GL 1906
Vol-10

245 1755 57

Rejoinder read

This Cause coming on to be heard and debated this day in the presence of the Defendant and the Attornies on both sides On hearing what was alledged on either side and on due Consideration had thereon the Complainant having in his Replication denied that the Defendant had ever paid the Sum of Ticals 7[illegible] charged in the Defendants Account Current to be paid the Complainants Factors at Pegue and the Defendant not being able to prove to the satisfaction of this Court that he had paid the said money This Court doth therefore Unanimously think fit to order and Decree and doth Accordingly Order and Decree that the Defendant shall pay unto the Complainant the Sum of Ticals 7[illegible] together with the Pegue Interest (being 5 ℔ Cent ℔ month) for the space of twenty five days, that the said Sum did remain in the Defendants hands before his departure from Pegue being Ticals 3[illegible] the Defendant himself having acknowledged he did charge the Complainant Interest after the same rate on Money lent his Agents at Pegue that the two abovementioned Sums of Ticals 7[illegible] & Ticals 31 Amounting together to the Sum of Ticals 775. ⅞ . ⅞ shall be reduced into Pagodas after the rate of 272 Ticals ℔ Pagoda in lieu of Principal and Respondentia Premium from Pegue hither and that Land Interest after the rate of 8 ℔ Cent ℔ Annum shall be added from twenty one days after the arrival of the Ship S. John Baptista at Madras untill full Payment be made, And with regard to the Sum of Ticals 226 which the Defendant says does still remain due from one Arnachitum at Pegue and for which Sum he now produces a Cadjan, This Court do order that the said Cadjan be deposited in the hands of the Register & that the Complainant do get the same Translated before the next

Court

247

57

At a Court held at the Town Hall

on Tuesday the 25th day of August Anno Domini 1725

Present

George Mackay Senior Alderman

Andrew Ross , Andrew Munro

John Smith , Samuel Bridley

Samuel Moses
Pets.
Nicholas Morse

Summons returnd served

The Defendant does not appear

To be summond again

Mr. Peter Deniker one of the Attornies of this Court having preferrd a Suit in this Court the 25th day of April last, in behalf of Edward Burman and Thomas Savage against John Papworth also Attorney of this Court, relating to a Piece of Ground in dispute, and the said John Papworth having filed a Bill against Mr. Samuel Moses on account the said Piece of Ground, and Mr. Isaac Mingeot the remaining Attorney having filed a Bill of Complaint at the Suit of the said Mr. Samuel Moses against Nicholas Morse Esquire on account the Piece of Ground aforesaid, the said Nicholas Morse Esquire being Summond to Answer the said Complaint. The Senior Alderman acquaints the Court that the said Nicholas Morse Esq. has represented to him that he cannot make his defence unless the Court will be pleasd to order that either Mr. Peter Deniker or Mr. Isaac Mingeot shall carry on the Suit both of the said Edward Burman and Thomas Savage and likewise of the said Samuel Moses. The Court taking into Consideration that the said Edward Burman and Thomas Savage as well as the said Samuel Moses are in effect joint Claimants of the said Piece of

249

61

Bolyon Mathews
Esqr.
Mathews Lister Movcarbosh
An order made the 22 Instant read
Translation of the Cadjan therein mentioned read
The Complainants Attorney represents to the Court that the Defendant did not deliver the Cadjan to his Client on his arrival from Pegue, and says that the Defendant never tendered the same to his Client, which he humbly apprehends he ought to have done: He likewise produces to this Court a Letter from the Defendant to the Complainant dated 7th September 1752 where he advises him, that he had then sold the Bale of Goods now in dispute, and leaves it to the Consideration of the Court, whether as the abovementioned Cadjan taken for part of the Amount of the said Bail is only dated 2 January thereafter and not payable till the 30th October, which is 13 months from the time of Sale, whether the Defendant did not act contrary to the Trust reposed in him by the Complainant, and the Instructions given by him, or even whether this Cadjan may not reasonably be suspected to be a false deed, and given in order to defraud the Complainant of his just right.
The Defendants Attorney desires the Court will take notice that the Instructions from the Complainant to his Client, were to sell the Goods for a long Trust, and says the said Cadjan is not a False writing, but granted to his Client by Arnachilum therein named, who he says is still at Pegue, and he makes no doubt he will satisfy the Complainant when called upon, and that the reason of the Bonds being made payable at so long a time, was, that his Client could not procure from the said Arnachilum any Obligations payable in a shorter time
This Court having taken the Premises into Consideration doth think fit to Order and Decree, and doth accordingly Order and

Decree

251

63

Complainant the full and just Sum of Pagodas 600 ½ of being the Principal of the Bond sued for, together with the Respondentia therein mentiond, and such Land Interest after the rate of 8 p Cent p Annum, as now is, or shall hereafter become due thereon untill full Payment is made, also all Costs of this Suit

Bobjon Mathews
Vers.
Mathews deser Moocarsheck
Rejoinder read & filed
Issue Joind

Francis Xavier
Vers.
Silvester Dias
The Complainant not having deliverd in his Replication within the limitted time
Orderd that the Complainant do deliver in the same next Court day, in default of which this Cause will be set down, to be heard by Bill and Answer

Gundaveddy Pilla
Vers
John De Roos
Orderd that this Cause come on, peremptorily to be heard the 29th Instant
The Court take notice that some of the Attornies are sometimes absent when the Court proceed upon Business to prevent this Inconvenieny for the future and the Clients of the Court may not be hurt by the neglect of the Duty of the Attorneys, It is Resolvd & Agreed that it be a standing order of this Court that the Attornies do attend when the Court meet, and that any of them who are now absent shall be fined the Sum of 5 Pagodas unless

253

85

At a Court held at the Town Hall
on Friday August the 29th Anno Domini 1755
Present
George Mackay Senior Alderman
Andrew Ross. Edward Edwards
John Browning. John Smith
Samuel Ardley

Francis Xavier
Vers
Silvester Dias
Replication read & filed
Day is given the Defendant till the 9th September to Rejoin
John Smith
Vers
Mahomed Canah & Mahomed Salah
The Attorney for the Complainant acquaints the Court that the
Defendant had satisfied the Decree of this Court and therefore
prays that the Sheriff may be directed to take off the Attachment
Issued out of this Court the 17 June last upon the Ship Dragon
and ten Elephants belonging to the Defendants
Ordered that the Sheriff be directed to take off his Attachment
accordingly
Cannaveddy Pillah
Vers
John Dekoos
Bill and two Accounts annexed read
Answer and one Account annexed read
Replication read
Rejoinder read
Interrogatories on the part of the Complainant read
6 Depositions on do do do

Interrogatories

Order and Decree that the Defendants Bill do stand Dismiss'd with Costs

The Senior Alderman acquaints the Court that the Marshall had inform'd him that Antony Bishop a Prisoner at the Suit of John Jennison died in Prison, and that he granted an order to the Sheriffs to let his Body be taken out to be Buried

Adjourn'd till the 2 of September 1755

257

89

Account Sales and Account Current
Marcus Cherriman
Vers.
Israel Moses
The Attorney for the Complainant prays the Court that he may have leave to examine two more Witnesses as Publication is not passd in this Cause which is granted upon the said Attorneys making Oath "that neither he, nor any for him by his direction or with his Privity "or knowledge hath read seen or been informd of any of the Depositions "already taken in this Cause, and that he will not read or willingly "see or be informd of any of the Depositions in this Cause till Publication "duly passed or the Court make order to the contrary." And his Client being called upon to make Affidavit to the same purpose, the said Attorney likewise deposes upon Oath, "that his Client left this "Place sometime ago, and has not been here since Issue has "been Joind in this Suit."

Thomas Duffield
Vers.
Thomas Ford
Summons returnd served
The Defendant does not appear
To be summond again

Samuel Moses
Vers.
Nicholas Morse
Summons returnd served
The Defendant appears by his Attorney
Day is given the Defendant till the 9th Instant to Answer the Complainants Bill

Mr Salomon Isaacs Administrator to the Goods & Chattels of Moses Salomons deceased. now delivers in on Oath an Inventory

Henery Vandittart
Pet.r
Marcar Petras
Ordered that these Causes come on to be heard the 9th Instant

Chintomony Chittee
Pet.r
Abdul Hupain
Ordered that the Exceptions of the Complainant be argued this 9th
Instant

Mr. Rose one of the Attorneys and Judges of this Court acquaints
the Court that he intends in a few days to go to Bengal and expects
to return within the time limitted by the Charter for his Return

Adjourn'd till the 9th September 1755

261

An order made the 26th Ultimo relating to the Attornies giveing 73
proper attendance read.

Ordered that Mr John Capswaston one of the Attorneys of this Court
be fined the Sum of Pagodas Five for not attending in due time
agreeable to the said Order

A Note from Mr Andrew Munro one of the Members of this Court
wherein he acquaints the Court that he is so much indisposed that
he cannot attend this day

Mr John Capswaston Attorney for Rathewa deter Moocartooch
acquaints the Court that there was a Sum of Money Decreed in
favour of his Client the 3d day of August 1758 in a cause between the
said Rathewa deter Moocartooch and Bolgon Mathews, part of which
is still remaining in the hands of this Court, and therefore prays
that the same may be now paid him

Deferred considering the Prayer of the said Attorney till the next
Court day.

Chintomony Chetter
Vers.
Mirza Abdul Kapain

The Court take notice that the Attorney ought to have filed a Bill
against the Defendant for a fraudulant Mortgage instead of
lodging Exceptions against it, as such are usually made to
improprietys, or Insufficiencies, in the course of Proceedings after
the commencement of a suit. Whereas in the present case, Relief
being prayd against a supposd Fraud now suggested, It is
the proper subject of a Bill of Complaint therefore The Court doth
order that the Attornies Do for the future observe the practice
suitable to the Circumstances above described, But nevertheless
It is Resolvd to proceed at this time in hearing this matter, in
the form it at present stands in, & not to delay Judgement

263

other having Absconded. The said Costa Pattee and Anga Saib
not having satisfied the Decree of this Court pass'd in favour
of the said Lientomeny Pattee the 28th day of May 1751
Warrant of Arrest granted returnable the 7th Instant
The Mayor acquaints the Court that he had been informed that
Mr. Merigeot one of the Attornies of this Court were so much Indisposed
that he could not attend this day
George Mackay
Vers
Marcar Petrus
Henry Vansittart
Vers.
Marcar Petrus
The reason why this Cause did not come on to be heard this day
as set down in the last Court days Minutes, is owing to Mr.
Merigeot one of the Attornies in these Suits being Indisposed
The Court take notice that altho. Mr. Merigeot was Indisposed, he
might have delivered over the Papers in these Causes to Mr. John
Pafwatee the other Attorney of the Court
Ordered therefore that Mr. Merigeot do give in his reasons for
the same the next Court day
Ordered that these Causes come on to be heard the next Court day
Joanis Xavier
Vers
Silvester Dias
Rejoinder read and filed
Issue joined
Thomas Duffield
Vers.
Thomas Ford
Summons returned served
The Defendant does not appear

265

77

At a Court held at the Town Hall
on Tuesday the 7th day of September Anno Domini 1765

Present

John Walsh Esq^r the Mayor
George Mackay. Edward Edwards
John Smith Samuel Ardley

A Letter from Richard Starke Esq^r at York^k Dated to the Register read, setting forth that the Commission sent directed to him and Mess^rs Norris and Roper, to swear Mr Richard Fairfield to the truth of the Account Sales of the Effects of Robert Heath Deceased had been duely executed, & that he now returnd the Commission with the Account Sales

Mr Matthew Clarke as Attorney for Mr Andrew Newton at present residing at Brickinopoly one of the Executors appointed in the last Will and Testament of Mrs Eleanor Pope deceased prays the Court that a Commission may Issue to administer the Oath of an Executor to the said Mr Andrew Naulton in order that a Probat may be granted

Agreed that the space of three months be allowed the said Mr Andrew Naulton the said Executor to bring in the Accounts

Ordered that a Commission do Issue to Captains John Laidlaw, Joseph Smith & Doctor James Wilson at Brickinopoly to Administer the usual Oath to him

Thomas Duffield
Vers^s
Thomas Ford

Summons returnd served
The Defendant does not appear
William Walker one of the Sheriffs Serjeants makes Oath that he served the Defendant with three Summons's as does also Thomas Barnard the other Sheriffs Serjeant with one Summons

Proper to Administer the Oath of an Administrator to him

The Court take Notice that the Marshall has not attended the Court for four Lowrt days past. & Mr. Peter Denisher one of the Attornies of this Court, acquaints the Court that the Marshall does not take proper care for the Security of the Prisoners, as the Prisons are often open the whole day, and that Paupia Permaul one of the Prisoners has declard to him that he has not receivd any Batta since his Confinement & that John Andrews another of the Prisoners has also informd him he has not receivd his just Allowance altho. he (Mr. Denisher) always did deliver the said Prisoners Batta, regularly to the Marshall

Ordrd that the Sheriff be sent for immediately.

A Note from the Sheriff to the Register read setting forth he is so much Indisposed that he cannot attend

Ordrd that the Register do acquaint the Sheriff with the aforegoing Complaints & that he is requird to make an Answer thereto the next Court day.

An order made the 2 Instant relating to the Executors of the Ship Anson and the Estate of William Beaves deceasd was Agreable to which Mess.rs Lyonge Mackay & John Smith lay before the Court their report

Ordrd that the said Report do lye on the Table till the next Court day

Charles Bowrethier

Lord.s

Cambaca Narrain

The Attorney for the Complainants acquaints the Court that the Defendant has not satisfied the Decree pass'd the 26 Ultimo & prays that a Warrant of Execution may Issue

Warrant of Execution granted returnable in one Month

Mr. Mackay goes off the Bench

Henry Vansittart

Lord.s

Marcar Peters

The

The Attorney for the Complainant prays the Court that another Warrant may Issue
Granted returnable the 3 day of October next
Gerrit Saxe
Vers
Meer Bauker
Summons returnd served
The Defendant does not appear
To be summond again
Basquel
Vers
John De Roos
Summons returnd served
The Defendant does not appear
To be Summond again
Andarapa Lattee &c.
Vers
John De Roos
Summons returnd served
The Defendant does not appear
Withdrawn
Thaddeus Olga Peony
Vers
Ariat Soraze
Mr Henry Vandikkart delivers up the Defendant in discharge of his Bail
The Attorney for the Defendant produces a Letter from Doctor Robert Turing who offers himself as Bail for the Personal appearance of the Defendant or to answer all Costs & damages
Ordered that the said Doctor Robert Turing do appear before any one of the Judges of this Court and acknowledge himself to be Bail for the Defendant
An Order made the 16 Instant relating to the Creditors of the Ship Ariel and the Estate of William Beaver Deceased read

October next to take the same into their Consideration as also the Compliant exhibited against the Marshall and to settle the several Officers Fees of this Court & Ordered that the Register do make proper enquiry and deliver into this Court an Account of such Fees as were formerly received by the several Officers & which are not inserted in the Court List

Captain John Brohier Attorney for Captain Edmund Maskelyne Executor to the last Will and Testaments of Captain Benjamin Pigou Deceased now delivers in the Accounts Sales & Account Current of that Estate

Captain John Brohier Attorney for Captain Edmund Maskelyne Executor to the last Will & Testament of Captain Thomas Greenville Deceased now delivers in the Accounts Sales & Account Current of that Estate

He also delivers in on Oath as Joint with Capt. Edmund Maskelyne Executor to the last Will & Testament of Captain Lieutenant John Harrison Deceased the Account Sales and Account Current of that Estate

Ordered that a Commission do Issue to Lieut. Christian Lister Ensigns George Airey and Robert Leister at Anot. to take the Oath of Captain Edmund Maskelyne to the truth of the Account Sales & Accounts Current of the Estates of Captains Benjamin Pigou. Thomas Greenville & Captain Lieutenant John Harrison

Captain John Brohier being in Court prays that Letters of Administration may be granted him to the Estate of Lieutenant Robert Revell who departed this Life the 15th of February 1758. Ordered that they be granted, As so long a time has elapsed, without Application from Creditors or others, who might have a prior Title to Administer.

He accordingly now takes the usual Oath & Nominates for his Securities Captain William Lee & Lieut. Robert Barker who appear in

1755

At a Court held at the Town Hall
on Friday the 26th day of September Anno Domini 1755
Present
John Walsh Esqr Mayor
Edward Edwards, John Browning
John Smith, Dansonne Drake
Samuel Ardley

The Register acquaints the Court that Mr George Mackay the Senior Alderman had desired him to Informe the Court that he was going into the Country for a few days

A Letter from Richard Starke Esqr at Fort St. David to the Register read, setting forth that he returns the Commission which was Issued to swear Mr Cooke as Administrator to the Estate of Robert Worth Sawyer and that Mr Cooke refuses to take the Oath prescribed by this Court he likewise encloses a Letter from Mr Cooke to him, assigning his Reasons why he objects to the Oath annexed to the Commission

Ordered that the said Commission be returned to Richard Starke Esquire Mesrs Hugh Norris & Robert Moper to swear Mr Cooke as the Oath appears to this Court to be very proper, as the Money which Mr Cooke will have to receive on Account the Estate of Robert Worth Deceased must be deem'd Effects, & it is very probable other Effects may come to his knowledge besides what are already disposed of by Mr Fairfield

Letter from Charles Boodam Esquire, Mesrs John Lewin Smith & Marmaduke Best at Vizagapatam to the Register read, setting forth that they had receiv'd of Mr James Bound the Sum of Rupees 2496 12 said to belong to the Estate of Stephen Holloway Runyon agreeable to the Order of this Court the 29th day of July last

Letter from Mr James Bound at Vizagapatam to the Register

read

that it should be B. 59. 32. 5 reference being had to the Original it appears to be a mistake. Ordered that the difference be added to the foot of the Account Current

The Attorney for the Complainants prays the Court that the Defendant may take his Oath to the truth of the Account Current annexed to his Answer as he the Defendant did not pray that the said Account might be received as part of his Answer and also that he be ordered to Swear to the truth of the several Papers annexed to his Rejoinder

The Defendant is thereupon Ordered to Swear to the truth thereof Which he accordingly does

This Cause coming on to be heard and debated this day, in the presence of the Parties, and their Attornies on both sides, On Examination of the several matters in this Cause, and on due Consideration had thereon. This Court doth think fit to Order & Decree and doth accordingly Order and Decree that the Article of Commission charged by the Defendant, amounting to Pagodas 183. 22. 10 shall be struck off the Account Current, and likewise that the Defendant shall Credit the Complainant with the Sum of Pagodas 92. 33. 60. being the Amount of three Emeralds: And that thereupon, the Complainant shall Pay unto the Defendant the Ballance remaining due on the Defendants Account Current amounting to Pagodas 2 — — Also that each Party pay their own Costs of Suit

In order made the 7th Instant relating to a motion made by Mr. John Passwater Attorney for Mathews deter Moorcheech read

The said Attorney now repeats his Prayer to the Court that the Sum of Pagodas 1763. 6. 18. deposited in the Company's Cash may be ordered to be paid into the hands of the Register to satisfie the Decree and

At a Court held at the Town Hall
on Thursday the 30 September Anno Domini 1755
Present
John Walsh Esq^r Mayor
Edward Edwards, John Browning
John Smith

Letter from Mess^rs Norris & Hooper to the Register read, setting forth that they had Administred the Oath prescribed to Catherina Johanna St^t Paul, Executrix of Peter St^t Paul deceased, & enclosed the Account Current as also the Commission duely executed

Granted Jacob
Vroo
Mess Bowker

Summons returnd served

The Defendant appears by his Attorney

Demurrer read & filed

The Attorney for the Complainant prays the Court that the Proceedings may be stayd till such time he files a Bill against the Parties for which the present Defendant is Security

The Attorney for the Complainant prays the Court will determine this Suit upon the Bill & Demurrer

Agreed that the Consideration of the Demurrer be deferrd

Indian Jack Cuffee, Mos Cuffee, Ninagah Scipio & Hannah vs day

Pillah appear in Court & exhibit a Complaint against Mr Isaac Mesgrot one of the Attorneys of this Court for having Withdrawn their Suit against John Dekroo without their Consent or knowledge

Mr Mesgrot the Attorney gives in his reasons for withdrawing the Bill that he thought his having filed the Bill in behalf of so many Complainants might perplex the Suit & he now intended to sue in the name of each of the aforesaid Complainants seperately

&c

93

At a Court held at the Town Hall
on Friday October the 3d Anno Domini 1755
Present
George Mackay Senior Alderman
Edward Edwards. John Browning
Samuel Ardley

Solomon Solomons
Vers
Caspiah Cormaul

Ordered that the hearing of this Cause be deferr'd till the 7th Instant being prevented from hearing the same this day, by the continuation of the holding of the Quarter Sessions

Agreed that the Meeting of the full Court, which was order'd to be held this day, be Adjourn'd till the 4th Instant

Adjourn'd till the 7 of October 1755

95

The Will of the Deceas'd being shewn to Lieutenant Godwin, he makes Oath that he believes the hand writing in the Will to be the Testators

Captain John Brahier being also in Court, makes Oath that he has often seen the writing of the Deceas'd, & believes it to be the Deceaseds own hand writing

As it appears to this Court that the Paper deliver'd in by Lieutenant Godwin was meant by the Deceas'd as a Provisional Will in case William Parsons the Executor Legatee in his former Will should dye before him

Agreed that the Letters of Administration granted to the said William Parsons do stand confirm'd

Letter from Captain John Laill laid to the Register read setting forth that he had taken the Oaths of Mr. James Wilson to the truth of the Inventory & Acc.t Curr.t of the Estate of Cap.t James Lyon deceas'd, & that he now returns the said Inventory & Account Current, as also the Commission duely executed

Mr. Mackay the Senior Alderman acquaints the Court that Izabella Cordes Executrix of Francis Cordes Deceased, had appear'd before him and took her Oath to the truth of the Account Current of her deceas'd Husbands Estate.

Bill of Andrew Pathfitter with an Account Current annex'd read & filed

John De Roos to be Summon'd

Thomas Duffield
Vers.
Thomas Ford

Warrant returned Non est Inventus

Withdrawn

Basqual
Vers.
John De Roos

Summons returned serv'd

The Defendant does not appear

Withdrawn

The Register acquaints the Court that he had received the Sum of Five Pagodas of Mr. John Papworth for a fine inflicted the 9th Ultimo

Ordered that it be paid into the Honble Company's Cash

285

At a Court held at the Town Hall on Tuesday the 15th day of October Anno Domini 1755

Present

John Walsh Esq. Mayor
George Mackay, Edward Edwards
John Browning, John Smith
Dawsonne Drake, Samuel Ansley

Mr. Andrew Munro Indisposed

Andarapah Chittee
Vers.
John DeRoos
Summons returnd served
The Defendant does not appear
To be Summond again

Charles Bourchier
Vers.
Cambaca Narrain
The Complainant not being in the Spot, his Attorney Mr. James Bourchier appe
in Court and acquaints the Court that the Decree pass'd the 26 day of
August last against the Defendant is satisfied

Withdrawn

A Letter from Richard Starke Esq. at Fort St. David to the Register read
setting forth that he had administred the Oath of an Administrator to
Mr. Edward Cooke, to the Estate of Robert Monk Deceased, & that he now
returns the Commission duely executed

Ordered that Letters of Administration be sent to the said Edward Coo
the usual Security being first given

An order made the 5th Ultimo read
Agreeable to which the Register delivers in a List containing the Names
of such of the Creditors of the Salvage of the Ship Ancot, & the Estate of the
late William Beaver Deceased, to whom He had paid their Proportions
of the Dividend, as also the Names of those Creditors Who had not hitherto
made any Claim, Whose Proportions amounting to the Sum of Pagodas
120: He now pays into Court

Resolvd Improperly.

It being then taken into Consideration whether it was proper for one Person to hold both those Employs

Agreed that they be held in future by distinct Persons And

Ordered that the Sheriff, or his Representative, do constantly attend this Court, & the Goaler at the Prisons

The Court having seperated the Office hitherto held by one Person vulgarly called the Marshall, into the two distant Employs of Sheriffs Representative, and Goaler, proceeded to consider by whom those employs were to be filled up

Reference being had to the Charter, it was found, that the former is therein expressly directed to be appointed by the Sheriff. And

Ordered accordingly that the Sheriff do elect his Deputy

It was then taken into Consideration, whether the Appointing the Goaler was likewise vested in the Sheriff or in the Court. After a long debate held thereon, It was unanimously determin'd that the Goaler should be in future appointed by the Sheriff. conformably to the Practice of England founded on Act of Parliament, Vizt. 18 Edward. 3. Cap. 10. & 19 Hen. 7. Cap. 10

An order made the 23d Instant relating to the Complaints exhibited against Patrick Brown the Goaler usually called the Marshall read

Patrick Cormack One of the Prisoners being brought into Court Deposes that he has been in the Goalers Custody fifteen Months & has only received Pag.das 2. 2/. for Batta

Patrick

Agreeable to which the Register delivers in a List of such fees as the said Officers pray may be annex'd to their several employs Which the Court taking into Consideration, Agreed on the following Fees as proper to be receiv'd in the respective Employs be sent to the President and Council for their Conformation

Solomon Salomons

Vers.

Paupiah Permaul

The attorney for the Complainant, having lately departed this Life the Consideration of this Cause is deferr'd till the 11th Instant

The Sheriff prays the Court will be pleas'd to allow a Salary to his Deputy for attendance in Court

Consideration of this Affair deferr'd till the next Court day

Bill of Mar[illegible] with an Account Current annex'd, read & filed

John DeKoos to be Summon'd

Bill of Nonjapah [illegible], with an Account Current annext, read & filed

John DeKoos to be Summon'd

As the Ship bound for Europe, is at present near her dispatch, and most of the Members much employ'd, Agreed to Adjourn the Court till the 18th Instant

Sundry Fees approv'd of in Court this 11th day of October 1755, To be annex'd to the several employs of their Officers, and the Sheriffs Officers

Court Officers

Register

Upon all Sales made by the Register, by order of the Court, He is to draw 5 p Cent as far as P. 200 —. but if it exceeds that Sum 2 ½ p C. Upon all dividends made by him, by order of the Court 1 p C.

Notary Publick

For dealing up the Effects of any Deceased Person 5 Pagodas

For drawing out Protests. Eighteen fanams each side, & attendance nine fanams

291

47

Goaler

Upon receipt of a Prisoner into his Custody five Jannams

Attending a Prisoner to Walk out six Jannams

Adjourned till the 23th October 1755

The Sheriffs request of the 11th Instant, that a Salary may be allow'd the Person whom he shall appoint his Deputy, read

The same being taken into Consideration, It was Agreed, that the Sheriff do either procure a proper Person to attend the Court, as his Deputy or, that he attend himself, but that no Salary be allow'd by this Court to his Deputy

Petition of John Maxwell Stone read, Praying to be admitted an Attorney of this Court in the room of the late Mr. Peter Dencker Deceas'd

Petition of George Pyne read, Praying to be admitted an Attorney of this Court

Petition of Archdale Palmer read, Praying to be admitted an Attorney of this Court

The Court observe that the three Petitioners abovementioned, are all Servants of the Company, and Perhaps may not be able to give due attendance on the Business of this Court and being ask'd, if they had obtain'd the necessary Commission, they all acquainted the Court they have

Petitions Granted

They are accordingly admitted & Sworn

Petition of William Syer, Scrivener Praying to be admitted an Attorney of this Court, read 2d time

Not Granted

Mr. Isaac Mauger Attorney of this Court delivers into Court some Papers relating to the Estate Solomon Salomons Voreas Paupier Pennaud, which he acquaints the Court he received from the late Mr. Peter Dencker a short time before his decease

Ordered that the Register do deposite them with the rest of the Court Papers which were brought from the House of the said Mr. Peter Dencker

Ordered that Publick Advertisements be affixed at the Gates, direct

said Deceased

A Minute made the 15th April last relating to a Power of Guardianship Granted Captain John De Morgan & Mary Taylor to the said Infant read

Ordered that a Commission do Issue to Charles Boddam Esq.r Mesn.rs John Lewen Smith & Marmaduke Best to Administer the Oath of a Guardian to the said Mr. James Wilson, and that a Power of Guardianship be granted him upon taking the Oath

Mr. George Mackay the Clerk of the Market represents to the Court that he has tried several methods for having the Bread duely stamp'd, but finds it Impracticable, as the stamp disappears after it's Baking

Agreed that the Order which pass'd the 10th May last relating to that Particular be no longer in force

Bill of Guerick Jacob with an Account Current entered read

The Defendant being in Prison, Ordered that an order do Issue to the Sheriff to bring the Defendant John Andrews before this Court the next Court day

Solomon Salomons
Versus
Caupiah Permaul

John Widdrington
Versus
Thomas Cooke

Andrew Munro
Versus
Thomas Cooke

Solomon Salomons
Versus
Subramoney Chittee

Nicholas Morse
Versus
Subramoney Chittee

297

53

At a Court held at the Town Hall
on Tuesday November the 5th Anno Domini 1765
Present
John Walsh Esq. Mayor
John Browning, Johnsmith
Samuel Bradley, Dawsonne Doale

Andarapah Shittee
Vers.
John DeKoos
Summons returnd served
The Defendant appears
The Attorney for the Complainant prays the Court will oblige the
Defendant to give Bail
Hamilton Parkinson and John Papswater become Bail for the
Personal appearance of the Defendant or to Answer all Costs and
Damages taken & acknowledged in Court
Day is given the Defendant till the 11th Instant to Answer the
Complainants Bill

Mar Chittee
Vers.
John DeKoos
Summons returnd served
The Defendant appears
The Attorney for the Complainant prays the Court will oblige the
Defendant to give Bail
Hamilton Parkinson and John Papswater become Bail for the
Personal appearance of the Defendant or to Answer all Costs and
Damages taken and acknowledged in Court
Day is given the Defendant till the 11th Instant to Answer the Complainants
Bill

Nonapah Shittee
Vers.
John DeKoos
Summons returnd

The

The Court take notice that the excuses which he now offers are insufficient, that he has frequently been Fined and Reprimanded for his Misbehaviour in this Court, that his not paying the Bailiffs Fees agreeable to his promise is a further Aggravation of his Crime. However the Court excuse him this time, but on his first Offence he is to be dismissed the Service hereof; and he is now again ordered to discharge the Fees before next Court day

The Register acquaints the Court, agreeable to an order of last Court day, that he with the Notary Public and one of the Executors did go to the House of Mr. Peter Deneker Deceased and had search'd for a Will but had not been able to find any

Petition of Samuel Moses, Andrew Munro and Antonia De Medeira read a 2d time

Mess.rs Samuel Moses and Andrew Munro being in Court are ask'd if they will accept of Letters of Administration to the said Deceased Effects. Mr Samuel Moses acquaints the Court he is willing to Administer, and Mr Andrew Munro desires to be excused

Ordered that Publick Advertisements be affixed at the Gates giving Notice to the Widow, Children or others nearest of Kin, if any be, as well as to all the Creditors of Peter Deneker Deceased, that if any of them are possess'd of any Will or Testament of the said Deceased, they are desired to Exhibit the same before this Court on or before the 1st Instant in order to obtain Probat thereof. Or if the said Peter Deneker has died Intestate, that his Widow, Children or others nearest of Kin, if any be, do apply to the Court for Letters of Administration to the said Estate. In default of appearance on or before the date aforesaid the Court will then grant Letters of Administration to Mr Samuel Moses, Exor of Levi Moses Deceased, Principal Creditor to the said Estate, that the Creditors of the said Estate may not be prejudiced by any further delay

and as he afterwards heard paid One hundred Pagodas on Account
to Alexander Wynch Esq. on Account of Respondentia due from the
Complainant to the said Alexander Wynch Esquire the Remainder
was detained in the hands of Mathews and he believes was expended
for paying Customs & other Charges on the said Rice
To the second Interrogatory his Deponent saith that neither he
nor his People for him ever received any part of the said Money
This Cause coming on to be heard and debated this day in
the presence of the Defendant and the Attornies on both sides On
Examination of the several matters in this Cause and on due
Consideration had of the several matters in dispute, and on due
Consideration had thereon. This Court doth think fit to Order
and Decree and doth accordingly Order and Decree that the
Sum of Fifty Pagodas lodged in the hands of the Assignees to the
Defendant Robijon Mathews's Estate be refunded it appearing
to this Court that that Sum was paid on Account of a Bond said
to be due from the Complainant to the Defendant in Consequence of
an Order of Court the 2d of April 755 the Bond being then thought
Valid but was on the 1st day of August following Unanimously
ordered to be Cancelled and this Court doth further think fit to
order and Decree that that part of the Complainants Petition which
relates to the Sum of twenty Pagodas said to be due Account Sales of
Rice as abovementioned Do stand dismiss'd the Defendant having
clear'd up that Article to the satisfaction of this Court, and
likewise that each party pay their own Costs of Suit
Petition of Poneala Gopal with a Bond annex'd read a 2d time
Reserved the Consideration of this Petition till the next Court day
Adjourned till the 7 November 1755

57

the Parties of this Court pass'd the 19th August last & prays that a Warrant of Execution may Issue against his Effects: Which is granted returnable the 25 Instant

Adjourn'd till the 7 November 1755

205

61

Mess.rs Nicholas Morse & Salamon Franco Attornies to George Jones having been informd of the Courts intention of appointing Mr. Samuel Moses to be Administrator of the Estate of the said Peter Doncker Deceasd. The said Mess.rs Nicholas Morse and Salamon Franco acquaint the Court they have no objection thereto

Francis Xavier
for
Silvester Dias

Mr. George Pyne one of the Attornies of this Court acquaints the Court that he is employd as Attorney for the Complainant in the room of Peter Doncker Deceasd

Day is given both Parties till the 15 Instant to produce Witnesses

Andrew Munro
for
Thomas Cooke

Bill with a letter from the Defdt to the Compts annexd read
Answer read
Bill for Medicines and Attendance delivered in by the Complainant read
Replication
Rejoinder } General read
Interrogatories on the part of the Complainant read
2 Depositions taken thereunto read

The Court observes that the Bill for Medicines and attendance which the Complainant was required to deliver in by Order of the Court the 25th. February last, does not specify particulars as directed. The Attorney for the Complainant informs the Court that it is impossible for his Client, to give an exact Account of the several Medicines Administred by the Defendants Wife as his Client kept no Diary thereof, but offers to put the Issue of the suit on the Deposition of Daniel Gregorio just now read, which the Attorney for the Complainant readily agreeing to

Ordered that a Message be sent to Robert Turing Johnston and

and

Likewise the proofs exhibited on the part of the Defendant. The Complainant not having produced any. This Court doth think fit to Order and Decree and doth Accordingly Order and Decree that the Defendant shall pay unto the Complainant the Sum of 251 Arcot Rupees being what is acknowledged to be due from the Defendant to the Complainant first deducting the Sum of £. 26 15 - disbursed by the Defendant on Account of the Complainant. and This Court doth further Order and Decree that the Complainants Bill shall stand dismiss'd with all Costs including the extraordinary Charges attending the procuring the necessary Proofs from Bengal

Andarapah Chittee

Vers.

John DeRoz

Mar Chittee

Vers.

John DeRoos

Nanapah Chittee

Vers.

John DeRoz

Further day is given the Defendant till the 18th Instant peremptorily to Answer the Complainants Bills

Greneck Jacob

Vers.

John Andrews

Further day is given the Defendant till the 15th Instant to Answer the Complainants Bill

likewise the proofs exhibited on the part of the Defendant, the Complainant not having produced any. This Court doth think fit to Order and Decree and doth Accordingly Order and Decree that the Defendant shall pay unto the Complainant the Sum of 251 Arcot Rupees being what is acknowledged to be due from the Defendant to the Complainant first deducting the Sum of P. 26.15 - disbursed by the Defendant on Account of the Complainant, and This Court doth further Order and Decree that the Complainants Bill shall stand dismissed with all Costs including the extraordinary Charges attending the procuring the necessary Proofs from Bengal

Andarapah Chittee

Vers.

John DeRoos

Mar Chittee

Vers.

John DeRoos

Ninapah Chittee

Vers.

John DeRoos

Further day is given the Defendant till the 15th Instant peremptorily to Answer the Complainants Bills

Gyeneh Saob

Vers.

John Andrews

Further day is given the Defendant till the 15th Instant to Answer the Complainants Bill

Captain John Howes appears in Court and requests leave to deposite with this Court the Sum of £. 108.7.1 on Account of the Estate of Lieutenant John Kemp deceased to be paid to such Person or Persons as may be Authorized to receive the same on behalf of the said Estate

Order'd that the Register do receive the said Money from Captain John Howes and give him a Receit for it And that the same be deposited in the Company's Cash

Andarapah Chittee
vers.
John DeRoos

The Defendants Answer read & File'd
Day is given the Complainant till the 25 Instant to Reply

Man Chittee
vers.
John DeRoos

The Defendants Answer read & File'd
Day is given the Complainant till the 25th Instant to reply

Ninapah Chittee
vers.
John DeRoos

The Attorney for the Complainant prays the Court that Judgment may pass in this Cause as the Defendant has omitted to deliver in his Answer

The Attorney for the Defendant prays the Court will Indulge his Client with a further day as he lives at some distance from Madrs and could not readily communicate the several Particulars necessary for drawing up his Answer

Further day is given the Defendant until the 25th Instant to Answer the Complainants Bill, and in default of Answer Judgment will be given for the Pltf

Geereck Jacob
vers.
John Andrenz

Further day is given the Defendant till the 25th Instant peremptorily to Answer the Complainants Bill

A Court held at the Town Hall

on Friday the 23d November Anno Dominii 1753

Present

George Mackay Senior Alderman
John Browning, John Smith
Dawsonne Drake

Solomon Salomons
Vrs
Paupia Penmaud

Bill with a Bond annexed read
Answer read
Replication read
Rejoinder General read
Translate of a Letter from Paupia Penmaud Chitty & Custony
Soranga Chettee to Brothers Paupia Veneata at Kistnah and
Custony Venganah 28th February 1753
Interrogatorys on the part of the Complainant read
6 Depositions taken thereunto read
Interrogatories on the part of the Defendant read
8 Depositions taken thereunto read
Ordered that the several Witnesses produced in this Cause Nella
Contoker and Mandapaneh Venkaty Kistna excepted whose
Depositions have already been taken in Court / be Summond
to appear before this Court the 28th Instant
Ordered that the Register do apply to the Trustees to the Estate of
Solomon Salomons for the Books of Accounts formerly kept by
the said Solomon Salomons that the same may be laid before
this Court the 25th Instant and It is likewise Ordered that the said
Solomon Salomons do attend this Court on that day
Deferred the Consideration of this Cause till the 25th Instant

Replication read & filed
Day is given the Defendant till the 2d December next to rejoin

Mar Chittee
vers
John DeRoos

Replication read & filed
Day is given the Defendant till the 2d December next to rejoin

Geereck Jacob
vers
John Andrews

The Defendants Answer read & filed
Day is given the Complainant till the 2d December next to Reply

Francisco Xavier
vers
Silvester Dias

Further day is given the Parties till the 2d December next to
produce Witnesses

Thomas Bernard one of the Court Serjeants having neglected
to attend the two last Court days
Ordered that he give his reasons for such his Non Attendance
the next Court day

The Mayor acquaints the Court that Application had been made to him
by the Persons confined for debt that more than the stipulated Fees
had been exacted from them
Ordered that the Sheriff do give his attendance immediately
The Sheriff having been sent for appears in Court
Sagapah, Pulliah, Pazpia Permaul &c. Debtors being called
into Court declare that Linganah having about a fortnight since
entered into the Service of John Bell the Goaler had exacted
from them two fanams for every Time they went abroad besides
the Accustomary fee of six fanams on the Occasion to the Goaler
That he had likewise demanded of them three Pagodas for a Present
to the new Goaler John Bell, and four fanams p. month from
each

knows if he is willing to Administer to the said Estate
The said Mr Andrew Munro returnd for Answer that he does
not chuse to Administer
Agreed that Letters of Administration be granted to Messrs Lloyd
Russell and John Palmer to the said Estate upon their giving Security
in the Sum of Pagodas 3000/ that the Estate may not suffer
by any further delay
Ordered that a General Court of Aldermen be summond to meet at the
Town Hall on Tuesday the 2d day of December next to Ballot
two Persons to present to the Governour and Council to take their
choice of as Mayor of the Town of Madrasapatnam for the year ensuing

Mar Whittle
vers
John DeKoos

Rejoinder General read & filed
Issue joind
Day is given the Parties till the 16th Instant to produce Witnesses

John Smith & Salamon Franco Administrators to the Estate of Samuel Greenhaugh Deceasd deliver in on Oath the Inventory and Account Sales of the said Estate

A Minute made the last Court day relating to granting Letters of Administration to the Estate of Captain John Lampton Deceasd read

Letters of Administration are granted to Claud Russell and John Palmer the usual Oaths being Administred & they Nominating for their Securities Josias Dupree and George Pyne

An order made relating to the Court Serjeant the 25th Ultimo read

Thomas Bernard being under Confinement on Suspicion of Robbery & thereby out of Capacity to do the Duty of a Serjeant of this Court, he is now dismissd

Petition of Humphry Lucock to be admitted in his Room read

Granted. The Oaths of Allegiance & Office were accordingly Administred

An order made the last Court day relating to the Jaolers Servant read

The Register acquaints the Court that Linganah has satisfied the several Prisoners by paying back what he had exacted from them over and above the allowed fees and pays in the Sum of Pagodas five instituted upon him as a fine by this Court the 25 Ultimo

Ordered that the same be paid into the Company's Cash

An order made the 25th Ultimo with regard to the Summoning a full Court this day in order to Ballot for two Persons to present to the President & Council read

The Mayor and all the residing Aldermen being assembled agreeable to the said Order it was agreed for the greater convenieney

25.

Artapa Verago

vers

Antonio De Silva

Nella Contahur

vers

Antonio De Silva

The Sheriff returns the Warrant of Execution Issued against the Defendants Effects endorsed that he had levied the Sum of Pagodas 6.19.79 as also the Incorrent Sales

Ordered that it be paid the Complainants

Samuel Moses

vers

John Smith & Salamon Franco

Ordered that this Cause come on to be heard the next Court day

Robert Hoper

vers

Alex.r Wynch. John Smith & Henery Powney

Ordered that this Cause come on to be heard the 9.th Instant

Solomon Salomons

vers.

Subramony Chittie

Nicholas Morse

vers.

Tondavah Chittee

Nicholas Morse

vers

Subramony Chittee

Ordered that these Causes come on to be heard the 16.th Instant

Solomon Salomons.

vers.

Caupia Cormaul

It being late before the Court returned from the President and Council It's Agreed to defer the Consideration of this Cause till the next Court day

Account

222

77

37.

At a Court held at the Town Hall on Friday the 7th day of December Anno Domini 1755

Present

George Mackay Senior Alderman
John Browning, John Smith
Dansonne Drake, Samuel Ardley

Ninapah Chittee
vers.
John DeRoos

Summons returnd served
The Defendant appears by his Attorney
Day is given the Defendant till the 9th Instant to Answer the Complainants Bill

Charles Erdman
vers.
Lewis De Illens

Summons returnd served
The Defendant appears by his Attorney
The Defendants Answer with an Account Current annexed read & filed
Day is given the Complainant till the 9th Instant to Reply
Mess.rs John Smith & Dansonne Drake goe off the Bench

Samuel Moses
vers.
John Smith & Sal.r Franco Administrators to the Estate of Samuel Greenhaugh Deceas'd

Bill with the Respondentia Bond & Account Current annex'd read
Answer and Account Current annex'd read
This Cause coming on to be heard and debated this day in presence of the Attornies on both sides On reading the Complainants Bill with the Bond and Account Current annex'd and the Defendants Answer with the Account Current annex'd and on Examination of the several matters in this Cause and on due Consideration had thereon This Court doth think fit to Order and Decree and doth accordingly Order and Decree that the Complainants Bill do stand dismiss'd with Costs
Mess.rs John Smith & Dansonne Drake return to their Seat

Appeal to the Assistant & Council
Appeal to the Kings Court Expedited
Majesty in Council

came from when he signd the Bond. He declares that the Defendan
was brought from his own House by Rosool boy the Peon, and
being askd if he remembers the time he drew out the said Bond
he declares about two Years ago

Mootoo Ninnah of Madras Carpenter Aged 25 Years or thereabouts
being duely Sworn is askd if he knows when the Defendant
was confined in a Fowl House, declares that he this Deponent
was sent by Coniaply to fetch the Defendant out of the Fowl
House being askd if the Fowl house was lockd. Answers it
was bolted. being then askd what became of the Defendant
afterwards. Answers that the Coniaply and Pullyah having
discourded with him for some time he was then sent back to
the Fowl House again. being askd if he knew how long the
Defendant was confind, makes Answer that he cannot tell

Venatachelum of Madras Coniaply Aged 30 Years or thereabouts
being duely Sworn is askd if he ever servd the Defendant
& Seringa Chittee to which he answers that he servd them
both for two Years and that the Defendant & Seringa Chittee
were Partners in Trade but that he the Deponent does not know
what was each Persons proportion. Being askd if he knows
by what means the Ballance due from the Defendant to Seringa
Chittee arose. Answers it was what he received out of the produce
of their Joint Trade

Goola Vincaty Pitchy Venataramah Appollow Rangapah Coombiah
Venatachelum Pindarcony Ingmah Chittee Pyrmiandoo Several
Witnesses Summond to appear before this Court in this Cause
being duely Sworn are Askd whether they know of the Defendant
being confined or any Violence used by the Complainant to make
him sign the Bond now in dispute

They all make Answer that they know nothing of the Defendants
having been confined nor of any Violence having been used by
the Complainant to make him sign the Bond

having been paid into their Cash there by order of this Court on Acount the Estate of Stephen Holloway Banyon deceased and that they are ready to pay the said Sum whenever this Court shall think proper to demand the same

Ordered that the Register do receive the said Sum of Rupees 1196/12 from the President & Council and that he immediately pay back the same into the Hoonble Companys Cash by the means of the Accomptant Generall. & Ordered that the List of Fees be added to the former.

Letter from Charles Boddam Esq. Mess.rs Marmaduke Bird & James Wilson to the Register read setting forth that they had Administred the Oath to Mr John Lewin Smith Executor of Samuel Bank Deceased to the justness of the Inventory & Acount Sales & that they return the same with the Commission duely executed

The Register acquaints the Court that the Cash is not sufficient to Answer the necessary Disbursements

Ordered that the Register do draw upon the President & Council for the Sum of Pagodas 300

1756

45.

Replication to the Joint Answer of Johnsmith & Henry Penney
read

Do. Seperate do of Alex^r Wynich read

Joint Rejoinder of Johnsmith & Henry Penney read

Seperate do. Alexander Wynich do.

Interrogatories on the part of the Petitioner read

Deposition taken thereunto read

This Cause coming on to be heard and debated this day in the presence of the Attorneys on both sides, On Examination of the several matters in this Cause, and on due Consideration had thereon It appearing to this Court by the Commission annexed to the Petition from the Justices of the Hon^ble the Mayor Court to Messieurs Lumley Carter of Bencoolen, directing the said Gentlemen to remit to them such Moneys as might come into their hands on account of the Produce of Goods left with them by Captain Edward Jacob at the same time declaring the Intent of such remittances to be on account of Cornelius Goodwin, Samuel Barlow & Samuel Affleck the Latter since Deceased & in behalf of whose Estate the Petitioner now sues, as Attorney for the Executor Philip Affleck. This Court doth therefore think fit to Order and Decree that the Defendants Johnsmith, and Henry Penney shall pay unto the Petitioner on account of his Constituent Pagodas 809. 10. 30 Being his Proportion of the Sum of Pagodas 1206. 33. 30 paid to the said John Smith & Henry Penney / On account of the demand of Cornelius Goodwin & Samuel Barlow on the Estate of the said Captain Edward Jacobs / in consequence of a Decree of this Court bearing date the 12 day of July 1754. As it appears that the Petitioner could not make his claim sooner known to this Court Also that each Party pay their own Costs of Suit

Petition of Venr Veraga Chittee with a Bill of Sale & Mortgage Bond annexed read setting forth that the House belonging to one Mootapillah on which the Sheriff has affixed his Seals, by

Verkee

47

At a Court held at the Town Hall on Tuesday the 16 day of December Anno Domini 1755

Present

George Mackay Senior Alderman
John Browning . John Smith
Samuel Ardley . Dawsonne Drake

Quintin Dela Mettrie
Esqrs.

Moota Rashaprah Chittee

Warrant of Arrest returned served

Venata Chitum and Veragapermaul Chittee become Bail for the personal appearance of the Defendant or to Answer all Costs & Damages taken and acknowledged before Mr. John Browning one of the Judges of this Court

Gregorio Miguel Armenian Merchant appears in Court & prays that a Probat may be granted him to the Will of the late Miguel Gregorio Deceased as Joint Executor in the Will named with Aviad Jowse The said Will having been proved in this Court the 3 day of October 1753

Granted the Usual Oath being first Administred to him

A Letter from the Secretary by Order of the President & Council read acknowledging the receipt of the Sum of Pagodas five into the Company Cash as a fine levied by this Court and that they desire for the future that such Sums may be deposited with the Register of this Court & paid into their Cash once a Year

Ordered that the Register do for the future take charge of the money arising on Fines keep an account thereof & pay the same once a Year into the Company's Cash agreeable to the President & Council's Regn

Petition of Tondauroone Pagoo Chitty with a Mortgage Bond annexed

Petition of Veny Verago Chitty read a 2 time. Both of the aforementioned Petitioners having produced Mortgage Bonds on the House in dispute & it likewise appearing that the Sheriff has affixed his Seals on the said House by Virtue of a Warrant of Sequestration granted the 13 day of May at the Suit of Samuel Moses Exor to the last Will & Testament of Levi Moses Deceased and James Calvineer

A Court held at the Town Hall

on Sunday the 16 December Anno Domini 1753

Present

John Walsh Esq^r Mayor

Geo^e Mackay, Andrew Munro

John Browning, John Smith

Benjamin Drake, Samuel Astley.

All the Standing Members Except Mr Edward Edwards who was Indisposed being met on Friday last at the Register Office agreeable to the Summons directed to be sent for that purpose the 1st Business Proceeded first to take into consideration the Paragraphy of the General Letter from the Court of Directors of the 23d January 1753 Copy of which was not Received by this Court, till the 27th June last. The same having been duely weighed, the Court came to the following Resolutions Viz^t.

The Court of Directors seeming to intimate in their 29th Paragraph that the Oath of a Native of India might some times be dispensed with and that an Affirmation might be sufficient

Ordered that they be made Acquainted that this Court imagine the Admitting a Practice of this kind would be highly improper, as it may tend to the Concealing of the truth in many Cases

Ordered that what past with Respect to Admitting an Oath to Pedro Browning be particularly represented as well as with Nella Cuppa Lakin Pooral Tewarry, from whose Compliance this Court Conclude that the taking an Oath will seldom be refused by any of the Natives

Ordered that the Court of Directors be made Acquainted that this Court do Pay a strict regard to their 35 Paragraphs wherein they recommend the Rules and Methods prescribed by the Book of Instructions to be closely pursued, and that Copys

of

of Directors, or only delivered as matter of Opinion. I was determined by a Majority, to be matter of Opinion only, yet they are willing to have it remarked—

That notwithstanding the Court do not look upon the 4th & 5th Paragrs of the Letter from the Court of Directors above mentioned, to be an order to them pursuant to the Authority given the Court of Directors by his Majesty's Charter and which Order this Court are obliged to obey; but Regard the said Paragraphs as the Opinion of the said Court of Directors in consequence of the Representations made to them from hence by the President & Council which Opinion it may be reasonably supposed will be altered upon this Courts stating the whole Affair to the Court of Directors in a fair & impartial Light. But at the same time it is the sense of this Court that they ought to pay the same Regard to the Opinion or Recommendation of the Court of Directors, that they would to their Orders in points where such Opinion or Recommendation can be put in practice consistent with their Duty, and attended with no bad consequences to the Liberties or Privileges of the Court of which they are Members; but in the present Case they think they cannot comply without being guilty of a breach of that duty; therefore it is resolved by a Majority of the Members present that this Court shall continue to grant Resignations to such of their Members as Desires it & can show Sufficient Reasons for the same, untill such time as they have Represented the Matter to the Court of Directors & Received their Answers

The Mayor having Assented to the Resolution for granting Mr Henry Van Sittart Leave to Resign his Office of Alderman, as well as to the Confirmation of that Resolution after the Receipt of the above Letter from the Court of Directors, Assents in like manner to the Present Resolution, as he does not imagine the Court of Directors will be induced to Alter their Sentiments that the Right of accepting Resignations is Vested in the President & Council since that Opinion appears to him not at all grounded on Misrepresentations for indeed he saw nothing in the President & Councils Letter of such Attendancy, but to arise from a strict Attention to the Scope & Design of the Charter, which he thinks manifestly intends that the Right both of Electing an Alderman into his Office & discharging him from it on all just & necessary Occasions should be vested in the President & Council and not in the Court

5

He also believes that altho the respectful words of an Order should not be made use of, yet where the Court of Directors deliver their Opinion positively & without reservation, they expect that Opinion should be regarded as equal with an injunction, & must therefore deem himself right in praying such reforms & sentiments thus transmitted, where they are so consonant to Reason & can easily be conformed to without any ill Consequence as the Instructions of the fore mentioned Paragraphs appear to him.

Ordered that the several Transactions which have past with Regard to the Granting & Resignation to Mr Henry Vansittart & the several Resolutions of this Court relating thereto be fully represented to the Court of Directors.

And Ordered that it be represented as the Opinion of this Court that there ought to be some limited & that within a few days for the filling up the Vacancy which may be occasioned by the Death Resignation &c of any Alderman for the Several Causes inserted in the Minutes of the 11 August.

After Answering the Several Paragraphs of the two above mentioned General Letters, It was Resolved that the following Cases which have happened in the course of the proceedings & concerning which this Court are desirous of having a particular information should be fully & clearly stated to the Court of Directors in order to be furnished with their Remarks thereon for the Government of this Court in the like Cases.

With Regard to Debts owing from One Native of India, to another how far the same may be brought to Compulsion or other Capable of proceeding in this Court without Eluding the Intent & meaning of the Charter.

The Suit of Van Sittart Versus Charles Beauchier Esq.

Cambay Narrain, which was demurred to, Ordered to be instanced

With Respect to Insolvent Debtors mentioned in this Courts Letter to the Court of Directors of the 7 January last, One Instance having happened in Mr Solomons's Cases, It is therefore Ordered

that

5

A List of such Books as belong to the Former Mayors Court now in the Register's Office

Records

Minutes

To the Years 1730 — From 28 July 1687 } Proceedings of the Judge Advocate
31 — To 22 Mar. 1688 }
32
33 — 28 Nov. 1692 }
34 — 29 Aug. 1694 } Court of Admiralty
36 — 22 Jany 1698 } Do Do
37 — 8 do 1704 }
38 — 10 Jany 1702 } Do Do
39 — 31 Dec. 1702 }
40
41 — 29 Sept. 1688 }
42 — 11 May 1693 } Mayors Court
43 — 4 March 1693 } Do Do
44 — 25 Sept. 1695 }
29 do 1705 } Do Do
26 do 1702 }
29 do 1712 } Do Do
7 do 1717 }
9 do 1717 } Do Do
28 do 1719 }
20 March 1719 } Do Do
11 July 1723 }
13 Dec. 1723 } Do Do
14 July 1727 }
7 Aug. 1727 } Do Do
20 Nov. 1728 }
3 July 1729 } Do Do
21 July 1731 }
3 Aug. 1731 } Do Do
10 May 1732 }
30 May 1732 } Do Do
12 Dec. 1732 }
20 Dec. 1732 } Do Do
5 Oct. 1733 }
12 do 1733 } Do Do
25 May 1734 }
31 do 1734 } Do Do
27 Sept. 1734 }
4 Oct. 1734 } Do Do
18 Mar. 1735 }
25 do 1735 } Do Do
18 Aug. 1735 }
19 do 1735 } Do Do
16 Dec. 1735
36
37
38
39
40
41
42
43
44
45

Wills

From 1670 to 1701.
1709 1726
1729 1735
1743 1746

From 18 March to 12 Sept. 46

That the Secret Transactions of this Presidency of the said Salomon Salomon,
& the Proceedings of this Court with Regard to the said Insolvency & thy
Annexed to the Letter Sent to the Court of Directors

Ordered likewise that should either of the Courts at Bombay or Bengal
State a Case to the Court of Directors, upon which such doubts have
arisen, as it may be necessary to Require the Opinion of Counsel thereon,
& the Court of Directors shall have obtained such Opinion, This Court
Desire that a Copy of such case and Determination may be trans-
=mitted them, as it may be of particular Use when Difficulties of
the like Nature occur here;

And that this Court request the Court of Directors will be pleased
to correspond in future, immediately with them concerning all
matters relating to this Court

To desire an explanation of that Clause of the Charter, which confines
the Indian Natives of Madraspatnam only, and not of the Subordinate
Settlements. this Court being of Opinion, the Latter are meant as
well as the former.

Directed, that a List of the such Books of Minutes & Records,
belonging to the former Mayors Court) as are missing be trans-
-mitted to the Court of Directors, & that they be desired to send
out Copys of such Books of Minutes & Records to this Court

Mr Peter Browning Dissents from the above Resolution, as this Endorsement with Regard to the Opinion Given by the Court of Directors and their Directions in Consequence of that Opinion Contained in Paragraphs 11th & 12th of their Letter of the 21st January 1755 and to the President & Council relating to the Resignation of an Alderman is Viz.t That they ought to be a standing Rule of this Court unto till the Court of Directors send positive Orders to the Contrary, nor do he conceive from the above Paragraphs that it is the Intention of that Court, that the Power of Granting Dismission to an Alderman either by Resignation or otherwise, should be Vested in the President & Council; And as it does not appear to him, that there has been any Misrepresentation of the Affair to the Court of Directors —

Mr Samuel Ridley Dissents from the above Resolution, that the granting the Resignations of Aldermen should be vested in the Mayors Court before the Court of Directors declare their Consent to this Court having that Privilege, As well

Because We by no Means conceive the 11th & 12th Paragraphs above recited, to be founded upon any misrepresentation, but upon mature determination, As

Because We look upon the conclusive part of the 11th Paragraph to be expressed in the positive terms of a Rule or Ordinance that the Resignation must be made to the President & Council, from these Words " For it is no Resignation till accepted of by them " And

Because We are moreover persuaded to think it the Will of the Court of Directors that the President & Council should give their assent to the Resignation of an Alderman, since it has been thought proper to Stipulate not only that they should have the Dismission of Members of the Mayors Court referred to them, But likewise the confirmation of such Persons this Court may elect in preserving Persons who by Years serving the Office of Alderman are entitled thereto a plain demonstration to him that the Court of Directors do not allow the Mayors Court to have Authority over its Members in the present Case exclusive of the President & Council Because

We

of the Instructions relating to the Office of Attorneys contained in the
29 C. 37. & 38 Paragraphs of their Letters have been delivered to the
several Attorneys, and Care taken, that the same are duely observed
The Paragraphs of the General Letter from the Court of Directors
of the 31st January 1753 being then read the Resolutions taken
thereon were, that the Court of Directors should be informed
That due Observance will be paid to the Explanations contained
in the 110 & 111 Paragraphs of the Letter to the former concern-
ing the Re-Electing the same Person for Mayor & to the Latter
so far as relates to the Vacation of the Seat of an Alderman by Absence.
A Debate arising among the several Members on the Latter part
of the 111 Paragraphs & on the 112th Paragraphs of this Letter
respecting the Resignation of an Alderman, On the 112th Para.
"Where a Person is appointed to a Subordinate Factory whereto
"he is prepared he should stay a longer Time than the space of twelve
"Months such Person before his departure may by writing under
"his hand and Seal surrender to our President & Council in Consultation
"assembled his Office of an Alderman and of our President and Council
"accept of such Resignation they must make an Entry of such
"Resignation and their Acceptance thereof in their Book and
"Consultations and must Summon a Meeting of our Governor
"and Council for the Purpose of electing another Alderman in the
"Place of the Person who has resigned & must proceed therein in the
"same manner in all Respects as they are by the Charter directed
"to do in Case of the Election of an Alderman." And on the 113th
"In Answer to your 89 Paragraph Weare of Opinion that every
"Alderman may resign in the manner mentioned in Answer to your
"35 Paragraph provided our President and Council accept of such
"Resignation for in no Resignation will accepted by them, and there-
"fore every Resignation without Acceptance is void, and the reason
"the Objection to Persons throwing up in Disgust for such Powers
"where the Resignation is not accepted will Continue Aldermen
"and are punishable for Neglect of Duty in the same Manner as if
"they had never resigned at all" whether the same should be
Considered as Containing an Absolute Order from the Court
of

Ordrd that they be Summond to Appear before this Court the
20th Instant that this Court may be informd whether they have
any Objection to the House being deliverd over to the Mortgagee

Petition of John Palmerread Praying to be admitted an Attorney
of this Court

The Court observe that the said Petitioner is a Servant of the
Company and Perhaps not able to give due attendance on the
Business of this Court and being asked if he had obtaind the
necessary Permission he acquaints the Court he has
Petition Granted & the Usual Oaths administrd

The Register delivers into Court a List of such Records &c
as belongd to the former Mayors Court

Ordrd that the said List be enterd after the Minutes of this
Court day & another List be hung up in the Office

Samuel Moses
Pltf.
Nicholas Morse
Rejoinder Genl read & filed
Issue joind

Solomon Salomons
Pltf.
Subramony Chittie
Nicholas Morse
Pltf.
Subramony Chittee
Nicholas Morse
Pltf.
Sondawah Chittee

Nicholas Morse
The Attorney for the Complainants prays that the Consideration
of these Causes may be deferrd till the 6th January next 1756

Virtue of a Precept from this Court is mortgaged to him for the Sum of Pagodas 560. — — and that he therefore Prays if it shall Please this Court to order the said House to be sold that his mortgage thereon may be discharged out of the Proceeds in preference to any other debt incurred by the said Mootapillah George Pyne Attorney for Tondawoore Rogoothittee prays the Court that the Consideration of the said Petition may be deferr'd till the 16 Instant when he will likewise present a Petition on behalf of his Client

Ordered that the said Petition do lye on the Table for further Consideration

Ordered that a List of such Suits as are attended the Sealer be hung up in the Prison

A Minute made the 12th day of August last read Wherein it was resolved that the further Consideration of the Paragraphs of the General Letters from the President & Council dated the 9th March 1761 and from the Court of Directors to the President & Council dated January 24 1760, & January 7th 1755. as read in Court the 11th day of August last, should be deferred till the Court should write their Annual Letters to the Court of Directors

Agreed that the several Members be summoned to meet at the Registers Office on Friday next the 12th Instant in order to take into their Consideration, the said Letters & such other Matters as are necessary to be represented to the Court of Directors

Court in behalf of the said Frances Dencker and that the said
Jewels &c may be restord

A Message being sent to Mr Samuel Moses Administrator to
the Estate of the said Peter Dencker desiring his Attendance in Court
and he accordingly appearing is ask'd if he has any reasons to offer
why the abovementioned Jewels &c should not be deliverd back,
agreable to the Prayer of the Petitioner. He acquaints the Court
that he has none, except that the Deceased died Insolvent and
therefore Prays this Court would be pleas'd to take into Consideration
the Validity of the Proofs produced by the Petitioner and Order as
to them should seem meet

Thomas Pelling of Madras Inhabitant Aged 32 Years or thereabouts
being duely Sw[orn] deposes that the Deceased Peter Dencker
deliverd into his hands the several Jewels &c mentiond in the
Petition, as a Present for his Daughter Frances Dencker

The said Thomas Pelling being ask'd if he knows of any Jewel or
Jewels having been given to the Deceased's Daughter by any other
Person Answers that he remembers to have heard than an Armenian
gave the Deceased Peter Dencker's Diamond Ring or Solitair
for a Present for his Daughter

Mr Samuel Moses being again ask'd if he has any Objection
to delivering back the Jewels &c to the said Frances Dencker
acquaints the Court that he has none, except that which he has
already made

Before Unanimously Agreed & Ordered that the Prayer
of the Petition be complied with

Mr Drake goes off the Bench he not having perused the Papers

Paper Attorney for Petitioner

Mr Wynch, John Smith & Henry Pomney

A Commission from the former Mayors Court, directed
to Hy Carter & John Zanmer, is now read

Mr Smith & Henry Pomney read

Alexander Wood read

Reprieved

This Cause coming on to be heard and debated this day in presence of the Parties and their Attornies on both sides, On reading the Complainants Bill and Bond annexed, the Defendants Answer the Repliciation, the Rejoinder and a Letter from the Defendant and Syringe Chitty, to Paupiah Veneary & Custody together with the Interrogatories and Depositions taken thereunto before the Examiner as also the several Proofs now taken in Court, Whereby there does not appear to have been any Violence made use of by the Complainant to extort the Bond now in dispute from the Defendant / there being only one Witness who deposes that the Defendant was confined in the Complainants House but that appears to have been sometime after the Bond was sign'd and after he had returned from Pondicherry whither he had fled to avoid paying the same / This Court doth therefore think fit to Order and Decree and doth Accordingly Unanimously Order and Decree that the Defendant shall pay unto the Complainant the full & just Sum of Pagodas 872 — being the Amount of the Bond sued for, together with such Interest after the rate of 8 p.C.t p.Annum / as now is or shall hereafter become due hereon, untill full Payment is made also all Costs of this Suit

A Letter from Charles Boddam Esq.r &c. Council of Vizagapatam to the Register read setting forth that they have acquainted the President and Council of this Place that the Sum of Rupees 2496 72 had been paid into the Honble Company's Cash at Vizagapatam by order of this Court on Account of the Estate of Captain Stephen Holloway Bunyon Deceas'd

A Letter from the President & Council to the Register read setting forth that they approve of the List of Fees sent them by this Court Dated 6th Instant for their Confirmation: and that they have advice from the Chief &c. Council of Vizagapatam of the Sum of Rupees 2496 72 having

Mr Hodges Agent for Mr George Long & Mr Richard Hall Assignees of Mr Edward Saunders Esq.r Executor of the Estate of Mr Stephen Holloway Bunyon Deceas'd

Bill of Quintin De la Mettrie with a Bond annexd read & filed
The Attorney for the Complainant prays the Court that a Warrant of Arrest may Issue
Ordered that a Warrant of Arrest do Issue upon the Complainants making Oath to the justness of the demand, and that he has reason to believe the Defendant will Abscond upon hearing this Bill is filed against him

Solomon Salomons
vers.
Paupia Permaul

Bill with a Bond annexd read
Answer read
Replication special read
Rejoinder General read
Translate of a Letter from Paupia Permaul Chitter & Custony Devanga Chitter to Brothers Paupia Venecata Kistnah and Custony Venganah 28 February 1753
Interrogatories on the part of the Complainant read
& Depositions taken thereunto read
Interrogatories on the part of the Defendant read
8 Depositions on do do do
The Court observe upon their comparing the Translate with the Original Bond it's found that there is a mistake in the date of the Year which should be 1753 instead of 1752
Ordered that it be rectified
Depositions taken on the part of the Defr.
Soombiah of Madras Lascar aged 25 Years or thereabouts being duely Sworn is ask'd if he was present when the Defendant sign'd the Bond, in dispute, at the Complainants House, who were then present, at what hour of the day or night it was sign'd by the Defendant
He declares that he saw the Defendant sign the Bond that Hasool Boy Mr Solomons Peon & Pullian were present and that it was sign'd at about half an hour after nine in the forenoon.
The said Soombiah being ask'd if he knows where the Defendant

& Maria Rachapool of the age of 25 Years or thereabouts Company Servant Son Del Inventis

came

Account of Money receiv'd by the Register for the Rent of sundry Godowns belonging to the Hon^ble the Mayors Court agreeable to an Order of the 6 of May last

For Rent of one Godown let to M^r John Smith from May 6 to 6 Sept^r being 4 Mths @ P. 1 p M^o		8 – –
For D^o from 20 Sept^r being 2 Mths 11 D^s @ D^o	M^r Andrew Munro	17. 32. 16
For D^o from July 5 to August 14 being 1 Mth 9 D^s @ P. 2 72 p M^o	Vellapah from	3. 9 –
For D^o from May 1 to 1 Decem^r being 7 Mths @ P. 2 p D^o	M^r Swing from	14. – –
For D^o from 24 Sept^r to 1 Decem^r 2 Mths 6 D^s @ P. 1 p M^o	M^r Nicholas Morse	8. 28. 16
	Sag^a	57. 34. –

Errors Excepted
Daniel Morse
Reg^r

convenience of Balloting to Adjourn to the Register's Office.
The Court having accordingly Adjourned thither, proceeded by
Balloting to the Election of two Persons to present to the President
and Council and the Ballots appearing to be in favour of
Messrs George Mackay and John Smith the Register was there-
upon ordered to acquaint the President and Council that the
Mayor and Aldermen were ready to present two Persons to
them
The Register being returned acquainted the Court that the President
and Council were then sitting in Council and ready to receive
them whenever the Court think proper. — Upon which
Notice the Mayor and Aldermen went in the usual state
and Ceremony to the Council Board and presented the said
Messrs George Mackay and John Smith to the President and
Council for them to chuse one of the said two Persons to be
Mayor for the ensueing Year
The Register pays in to Court the Sum of Pagodas 51. 34. - for
the Rent of Godown belonging to the Court House together with
the Account Particulars which are entered after the Minutes
of this day
Ordered that the same be paid into the Company's Cash under
the head of Mayors Court

Francisco Xavier
vers
Silvester Dias

A Note from the Examiner to the Register accompanying
the Depositions on the part of the Complainant

Publication is passed in this Cause
Ordered that this Cause come on to be heard

Geereck Jacob
vers
John Andrews

On the motion of the Attorneys on both sides. Agreed that
this Cause be heard by Bill and Answer

Antapa

At a General Court held at the Town Hall on Tuesday the 2 day of December Anno Domini 1755

Present

John Walsh Esq.r Mayor

George Mackay, Andrew Munro
Edward Edwards, John Browning
John Smith, Dawsonne Drake
Samuel Ardley

Mr. Matthew Clarke appears in Court on behalf of Andrew Newton one of the Executors to the last Will and Testament of Eleanor Lane Deceased at present residing at Tanjour and prays the Court will grant a further time to the said Andrew Newton to bring in the Accounts of the said Estate as there are some Papers at Tonts.r David which cannot be open'd till he has an Opportunity to go thither from Tanjour

Agreed that a further time of three months be granted

Bill of Nanapah Chittee with an Account Current annex'd read & filed
John De Roos to be Summond

Bill of Charles Erdman with an Account Current annex'd read & filed
Lewis D.r Illins to be Summond

Samuel Moses
vers.
Nicholas Morse
Replication special read & filed
Day is given the Defendant till the 2 Instant to Rejoin

Andarapah Chittee
vers.
John De Roos
Rejoinder special read & filed
Issue joind
Day is given the Parties till the 17.th Instant to produce Witnesses

Mar

215

each Prisoner as a Gratuity for himself.

John Boll the Goaler and Linganah his Servant attending.
The latter acknowledges the Receipt of the two fanams extraordinary on the Prisoners going abroad & urges that it was with his Masters Privacy but denies demanding the four fanams p month for himself and three Pagodas as a present for his Master, which the Prisoners again assert he did. The Goaler Boll informs the Court that he had not given his Servant Orders for demanding any such Money from the Prisoners, but being meerly entertained as Goaler and ignorant of the Fees in his employ he had in general ordered his Servant to take what was customary
Ordered that Linganah do repay to the Prisoners the money exacted from them above the allowed fees to the Goaler and that he be fined the Sum of Five Pagodas.
Ordered that the Register do see the same complied with
The Sheriff still in Court is desired to see Linganah dismissed from any further concern with the Prison for Debtors and to reprimand the Goaler for permitting his Servant to exact more than the established fees from the Prisoners

The Register acquaints the Court that the time limitted for the Widow Children or others nearest of Kin or the Creditors of the Estate of Captain John Compston deceased to apply to this Court for Letters of Administration is expired

Mr. Peter Denicher to whom the Court had intended to grant Letters of Administration to the said Estate at the expiration of the above mentioned time, in case no Application was made by any other Person being Deceased and the Court being informed that Mr. Andrew Munro of this Place Surgeon is empowered by Virtue of a Letter of Attorney of equal Validity with that which the deceased Peter Denicher was possessed of to apply for Letters of Administration to the said Estate

Ordered that the Register write a note to Mr Andrew Munro to

know

At a Court held at the Town Hall

on Tuesday the 25th day of November Anno Domini 1755

Present

George Mackay Senior Alderman
John Smith Samuel Astley

Solomon Salomons
Vers
Paupia Permaul

George Payne Attorney for the Complainant prays the Court that the Consideration of this Cause may be deferrd till the 2d December next as one of his material Witnesses is in the Country

Ordered Accordingly

John Walsh Esq.r & Mr. John Browning come on the Bench

Robert Sloper
Vers.
Alex.r Wynch. John Smith & Henry Ponney

Samuel Moses
Vers.
John Smith & Salamon Franco

The Register acquaints the Ct. that Isaac Merigot Attorney for the Complainants in the two above Suits is so much indisposed that he cannot attend to day

Deferrd the Consideration of these Causes till the 2d December next

Nonapah Chittie
Vers
John DeRoos

The Defendants Answer read

The Court observe that the Defendant sets forth in his Answer that there is an Error in the Account Current annexd to the Complainants Bill. Reference being had to the said Account Current it was accordingly found to be Erroneous.

Ordered that the said Bill be amended and the Compleinant pay the Costs.

Andanapah Chittee
Vers.
John DeRoos

Replication

Solomon Salomons
vers.
Paupia Permaul

Ordrd that this Cause come on to be heard the 21st Instant

Nicholas Morse
vers
Tondavah Chittee

Archdale Palmer Attorney acquaints the Court that he is employd by the Defendant in this Cause in the room of Peter Deneker Deceased

Petition of Ponnala Gopaul with a Bond annexd read

The Petitioner not having made it appear to the Satisfaction of this Court, that the Suit now preferrd, being by one Indian Native against another, was depending in the former Mayors Court, at the time of the Loss of this Place Ordrd therefore that the Petition be dismissd

Andrew Munro
Vers.
Thomas Cooke

An order made in this Cause the 11th Instant read

Report of the Referees, pursuant to the said Order delivrd in and read

This Cause coming on to be heard and debated this day, in the presence of the Attornies on both sides. On reading the Complainants Bill, with a Letter from the Defendant annexd, the Defendants Answer, the Bill of Charges delivrd in by the Complainant, the Replication and Rejoinder likewise the Report of the Referees appointed in this Cause. And on due Consideration had thereon This Court doth think fit to Order and Decree and doth Accordingly Order and Decree that the Defendant shall Pay unto the Complainant the full and just Sum of Fifty one /51/ Pagodas being the Medium Sum fixed on by the Referees as the Worth of the Attendance and Physick given by the Complainant to the Defendants Wife, Also that the Defendant do pay all Costs of this Suit

At a Court held at the Town Hall
on Tuesday the 18 November Anno Domini 1755

Present

John Walsh Esq.r Mayor
George Mackay, John Browning
John Smith , Dawsonne Drake
Samuel Ardley

Robert Sloper atto for Philip Affleck
Vers.
Alex.r Wynch, John Smith & Henry Cowney

John Maxwell Stone Attorney acquaints the Court that he is employ'd by the Defendants in this Cause in the room of Peter Dencher Deceased

Order'd that this Cause come on to be heard the 25 Instant

Samuel Moses
Vers.
Nicholas Morse

John Maxwell Stone Attorney acquaints the Court that he is employ'd by the Complainant in this Cause in the room of Peter Dencher Deceased

Samuel Moses
Vers
John Smith & Salamon Franco

George Pyne Attorney acquaints the Court that he is employ'd by the Defendants in this Cause in the room of Peter Dencher Deceased

The Attorneys for the Complainant and Defendants pray that this Cause may be decided upon Bill and Answer, Granted & Order'd that this Cause come on to be heard the 25th Instant.

Letter from Captain John Laillard at Trichinopoly to the Register read, setting forth that the Oath of an Executor to the Estate of Eleanor Lopez Deceased had been duely Administred to Andrew Newton and that he now returns the Commission

Order'd that a Probate be granted the said Andrew Newton

and Archibald Swinton Surgeons desiring their immediate Attendance on this Court and the said Robert Swing, John Spratt & Archibald Swinton accordingly appearing are informd that this Court has thought proper to appoint them Referrees to consider of the value of the Medicines and Attendance set forth in the Deposition of Daniel Gregorio, Copy of which is ordered to be deliverd to them by the Register. And the said Referrees are orderd to give in their Report to this Court upon Oath on Tuesday the 18th Instant

John Widdrington
Pltf.
Thomas Cooke

Bill read
Answer read
Replication special read
Rejoinder General read

Sundry Papers deliverd in by the Defts Atty

No 2 Copy of the Complaint of John Widdrington vs. Thomas Cooke
1 Answer of Mr Cooke to d.
5 Certificate that Mr Cooke was Baild by Mr West
6 Copy of the Proceedings had in the Mayors Court of Calcutta
7 Attested Copy of the Record of Mr Hay answering the Complaint
8 Affidavit of Mr Dumbleton concerning the Proceedings

The Attorney for the Defendant represents that his Client has always been ready to pay the Complainant the Sum of 210 Rupees for Wages as well as 11 Rupees for sundry small Disbursements agreeable to the Complainants Bill deliverd in to the Mayors Court at Calcutta first deducting the Sum of Pagodas 26. 15 - due from the Complainant to the Defendant And he now also makes a Tender of the same

This Cause coming on to be heard and debated this day in presence of the Attornies on both sides, On reading the Compltts Bill, the Defendants Answer, Replication and Rejoinder, likewise the

At a Court held at the Town Hall
on Tuesday the 11th day of November Anno Domini 1755

Present

John Walsh Esq Mayor
John Browning, John Smith
Samuel Ardley

Solomon Salomons
Vers
Pauquiah Pennaud

Mr. George Pyne one of the Attornies of this Court acquaints the Court that he is employ'd as Attorney for the Complainant in the room of Peter Denicker Deceased.
Ordered that this Cause come on to be heard the 18th Instant

Solomon Salomons
Vers
Subramoney Chettee

Mr. George Pyne one of the Attornies of this Court acquaints the Court that he is employ'd as Attorney for the Complainant in the room of Peter Denicker Deceased.
The Sheriff appears in Court and presents William Syer as his Deputy who is accordingly Sworn to the true and faithfull Execution of Deputy Sheriff in all matters relating to this Court

A Minute made the last Court day relating to the Estate of Peter Denicker Deceased read

Mr. Samuel Moses Executor to Levi Moses Deceased makes Oath That Peter Denicker Deceased is indebted to the Joint "Partnership of George Jones and the said Levi Moses upon "Ballance of Accounts the 31st August 1755 Pagodas 2483. 14. 47 "or thereabouts."

Ordered that Letters of Administration be granted Mr. Samuel Moses Executor of Levi Moses Deceased Principal Creditor to the said Estate as no other Person has applied to this Court. He having taken the usual Oath & Nominates for his Securities Messrs. Andrew Munro and John Smith

Messrs

At a Court held at the Town Hall
on Friday the 7th day of November Anno Domini 1755
Present
John Walsh Esq Mayor
George Mackay, John Smith
Dawsonne Drake, Samuel Ardley

Chintoominy Chittee
vers.
Coorapa Chittee & Aga Saib
The Sheriff returns the Warrant of Execution Issued against the Effects of the Defendant endorsed that he had levied the Sum of £9. 15. 8 as also the Amount Sales, and now pays that Sum into Court. Which is ordered to be paid to the Complainant

Andrew Munro
vers.
Thomas Cooke

John Widdrington
vers.
Thomas Cooke
Mr. John Maxwell Stone one of the Attornies of this Court acquaints the Court that he is employd in the above two Suits as Attorney for the Defendants
Ordered that those Causes come on to be heard the next Court day

Petition of Ponnala Gopal with a Word annexed read a 3d time
The Attorney for the Petitioner prays the Court for leave to withdraw his Petition in order to amend it. Which is complied with

Nalla Lontokur
vers.
Antonio De Silva

Artapa Venago
vers.
Antonio De Silva
The Attorney for the Complainants in the two above Causes acquaint the Court that the Defendant Antonio De Silva had not satisfied the

Peter LeBlanc
Vers.
Bobjon Matheus
Petition read
Answer read
Replication with a Paper annexed read
Rejoinder read
The Attorney for the Complainant moves the Court for leave to Administer a Set of Interrogatories in Court to the Defendant relating to the Article of Pagodas 20 — dice to the Complainant Account Sale of Rice, which Interrogatories he Prays the Court the Defendant may be obliged to Answer upon Oath which the Court agree to.

The Attorney for the Complainant first consenting to rest the determination of that Article on the Answer which the Defendant shall make upon Oath to the said Interrogatories

Interrogatories

1st Whether the Defendant or any one for him sold any Rice belonging to the Complainant to the amount of Pagodas One hundred and twenty or whether the Defendant knows of any such Sale or the payment of One hundred Pagodas out of the produce thereof to Alexander Reynell Esqr.

2. Whether he or any for him did not detain the residue of the Sale of the said Rice being Twenty Pagodas on Account of a Debt pretending to be due to him from the Complainant

The Defendant being duely sworn Deposeth as follows

To the first Interrogatory this Deponent saith that he knew of Rice belonging to the Complainant which was sold Jointly by Matheus Servant and his, that to the best of his knowledge it sold for little more than One hundred Pagodas. That Matheus received the Money

and

The Defendant appears
The Attorney for the Complainant prays the Court will oblige the Defendant to give Bail
Hamilton Parkinson and John Papswater become Bail for the Personal appearance of the Defendant or to Answer all Costs and Damages taken and acknowledged in Court
Day is given the Defendant till the 11th Instant to Answer the Complainants Bill

Geereck Jacob
Vers.
John Andrews

The Defendant appears
Day is given the Defendant till the 11th Instant to Answer the Complainants Bill
The Attorney for the Defendant prays the Court will please to Order the Original Bond be lodged in this Court the Complainant having only annexed the Translate thereof to his Bill of Complaint
Order'd that the Original Bond be lodged with the Register
Mr. John Papswater Attorney for John DeRoos prays the Court will give an order for the delivery of the Original Papers in the Suit Lynnavedy Pillek Versus John DeRoos decided in this Court the 29th day of August last. Which is complied with
William Wallen Bailiff makes Complaints that Mr. John Papswater one of the Attornies of this Court has not discharged sundry Fees due for three months past for serving Precepts &c. altho. the said Attorney did on Complaint having been once before made concerning the same promise the Court that he would discharge them.
An order made the last Court day, relating to Mr. John Papswater one of the Attornies of this Court, not giving his Attendance or sending any excuse in writing read.

The

Nicholas Morse
for
Fondaval Chillee

The reason why these Causes have not come on to be heard as set down in the Minutes, is occasioned by the Death of Mr. Peter Denicke formerly one of the Attornies of this Court

Ordered that the hearing of these Causes be deferr'd till such time that the Clients in these Suits do acquaint the Court who they have chose for their Attornies

---

The Court take notice that Mr. John Papewaker one of the Attornies of this Court has not attended a day or even sent an excuse to the Court

Ordered that he deliver in his reasons the next Court day

Peter LeBlanc
Pers.
Babjon Mathews

Ordered that this Cause come on to be heard the next Court day

Adjourned till the 1st November 1755

the several Clients of the late Mr. Peter Dencker to deliver over the manage-
ment of their Suits depending in this Court, to one of the other Attornies
And Ordered that the Register do deliver to the several Persons, or
their Attornies, such of the Papers which were brought from the House
of the late Mr. Peter Dencker Deceased, as they can make appear to
belong to them.

Petition of Samuel Moses Exor to the last Will and Testament of Levi
Moses Deceas'd Andrew Munro Attorney for John Mackmath
and Antonia De Medeiros, Legatees to the Estate of the late Peter
Dencker Deceased read, setting forth, that they have not come to any
knowledge of the Deceased having left a Will, and therefore praying
that the Court will be pleas'd to appoint such Person or Persons,
Administrator, or Administrators to this Estate, as to them shall
seem meet

Order'd that the Register and Notary Publick do make strict
Search among the Papers of the Deceased for a Will, in the presence
of the Petitioners, or any Person or Persons they shall think proper to
Appoint.

And the Register is directed to deliver his report to the Court at their
next sitting, when they will take the Merits of the above Petition
into Consideration

Letter from Lieutenant Christian Fisher, & Ensign George Airey at
Arcot read, setting forth that they had Administred the prescribed
Oaths to Captain Edmund Mackelyne to the justness of the Accounts
deliver'd in the 23 day of September last, relating to the Estates of the late
Captains Benjamin Pigou, Thomas Greeneville, and John Harrison
and that they now return the said Accounts, together with the Commission

Letter from Mr. James Wilson at Vizagapatam[mo] praying the Court will
grant him a Power of Guardianship to an Infant, John Taylor, Son
of the late Thomas Taylor of Fort Saint George Merchant Deceased
agreeable to the Intent and meaning of the last Will and Testament of the
said

At a Court held at the Town Hall
on Tuesday the 28th day of October Anno Domini 1755

Present

John Walsh Esq Mayor
George Mackay, John Smith
Samuel Ardley

Andarapah Chittee
Vers
John DeKroos
Summons returnd servd
The Defendant does not appear
To be summond again

Mar Chittee
Vers
John DeKroos
Summons returned servd
The Defendant does not appear
To be summond again

Ninapah Chittee
Vers
John DeKroos
Summons returnd servd
The Defendant does not appear
To be summond again

The Court take notice that neither the Sheriff or his Deputy, is at present attendant on the Court

Orderd that the Sheriff be sent for

The Sheriff appearing in Court, acquaints the Court, that he had not hitherto been able to procure a proper Person to attend the Court as his Representative, & that he himself having been employed in the dispatch of the Ship bound for Europe, had not had time till now to give his attendance in Court, or even to send an excuse in writing and therefore desires the Court will excuse him.

The

Examiner

For attending on a Witness in the Black Towne, for every visit. One Pagoda

For attending on a Witness in the White Towne, for every visit, twelve fanams

For Copying a Deposition, or any other Paper six fanams each side

NB All Figures in Accounts are to be charged, as if seperate Words

Interpreter

Attendance at a Witnesses Houses, to interpret to the Examiner six fanams

Interpreting Witnesses at their examination six fanams, out of which the Braminy, or Mollah, to have two fanams, if the Evidence be Pagan, or Mahometan

Interpreting Cathsin Lowrk. three fanams

Serjeants

For serving a Petty Summons, four fanams

When Bail is given six fanams

For serving a Decree & Copy, four fanams

For attendance in taking care of the Effects in any Persons House, or Godown, untill such Effects shall be deliver'd to the Sheriff, or any other Person, the Court shall appoint, twelve fanams p day, and twelve fanams p Night

Sheriffs Officers

Bailiffs

For serving any Precept within 5 Miles, nine fanams. 10 Miles eighteen fanams and so in proportion

For summoning any Person, or arresting him on board a Ship in the Road, 18 fanams extraordinary

For going on board any Vessell in the Road, to put the Sheriffs Seal on her, or other service 18 fanams extraordinary

For making a neat Return to the Sheriff of all the Effects ordered to be seiz'd by Warrant of Execution, and sealing up the same Twenty two fanams

Gooder

Patrick Brown being called upon, acquaints the Court that the said Caspiah Cormaud had ordered him to stop the remainder of his Batty for fees due to him for attendance on the said Caspia Cormaud when he had occasion to leave the Prison on business

The Goaler being ask'd what fee he used to take for attending a Prisoner in such cases acquaints the Court six fanams

Mr George Mackay goes off the Bench

The Other off being in Court is ask'd, if it was with his Privacy & consent the Goaler had taken such Fees

He acquaints the Court that he had been inform'd that the accustomary fee to the Goaler on suffering a Prisoner to go abroad was six fanams and therefore had not forbid his Officer receiving it

The Court Vakeels being called upon acquaints the Court, that the said fee of six fanams to the Goaler on permitting a Prisoner to go abroad was allowed under the former Mayors Court, Standing Order of December 1737 read.

Agreed as the fee six fanams appears to have been formerly paid the Goaler on such Occasions that it be admitted But the Goaler is reprimanded for having taken a fee which is not inserted in the present Court List

Mr Johnsmith goes off the Bench

An order made the 29 Ultimo relating to the fees of the Officers of this Court, and whether off the Officers read

Agreeable

Ordered that it be deposited in the Honble Companys Cash in the Name of the Accomptant Generall, and that Advertisements be affixed at the Gates, giving notice to such Creditors, to make applications to this Court

The Register acquaints the Court, that Mr. Peter Denecker One of the Attornies of this Court departed this Life, the 8th Instant

The Creditors of the Deceased Peter Denecker, having employd the Notary Publick to Seal up the Effects, the Register is Ordered to apply to the said Creditors, that the Seals may be taken off, that the may in the presence of the said Creditors / Search after, and bring away all such Papers, as in anywise relate to this Court

Petition of William Syer read, Praying to be admitted an Attorney of this Court in the room of the late Peter Denecker Deceased Which Petition is ordered to lye on the Table

A Minute made the 23 Ultimo, with regard to the appointment of the Sheriffs Officers read

Some of the Members observing that there seems to be an Impropriety in the Appellation of Marshall, as well as an Inconsistency in the Duty of the Officer as styled, since by his Attendance on this Court in the Quality of Sheriffs Representative he is under a Necessity of neglecting the Prisons where his presence is required as Goaler, the Court is moved to take into Consideration the Propriety of the Appellation of Marshall, applied to the Person acting in the distinct Capacities of Sheriffs Representative & Goaler, before a Resolution is past with regard to Settling in whom the Right of nominating and appointing that Officer is vested.

After some debate the Question was Agreed to be put in the following manner

Whether the Person Who at present acts in the Capacity of Sheriffs Representative in this Court & Goaler is properly, or improperly Denominated a Marshall

96 Letter from the President & Council to the Register read, in Answer to his Letter the 26 Ultimo, setting forth that they have received no Advices from the Chief & Council of Vizagapatam of the Sum of Rupees 1496 72. said to be deposited in the Honble Company's Cash there, & therefore they are not Authorized to pay that Sum here.

Order'd that the Register do write a Letter to the Chief & Council of Vizagapatam, to desire they will acquaint the President and Council of the Sum of Rupees 1496 72 having been deposited in the Honble Company's Cash there. by order of this Court

An order made the 3 Instant relating to the Complaints exhibited against the Marshall read

Deferr'd the Consideration of this Affair till the 15th Instant as three Members are absent, part thro' Indisposition & part in the Country

Order'd that a full Court be Summon'd the 15th Instant to take the same into Consideration

Solomon Salomons
Vers
Paupia Permaul

Mr. Monigue one of the Attornies of this Court, acquaints the Court that Mr. Peter Dancher another of the Attornies was taken suddenly Ill yesterday & that he was not able either to instruct or even give the Papers of the Suits in which he is concern'd, to him.

The Attorney for the Complainant being taken suddenly Ill & not having been able to deliver over the Papers to one of the other Attornies Order'd that this Cause come on to be heard the 15 Instant

Adjourn'd till the 15 of October 1755

As it may be of dangerous Consequence for Attorneys to take upon them to withdraw Suits without the knowledge or Consent of their Clients.

The Attorney is Reproved & Ordered to pay the Costs to withdrawing the Bill

The Court also remark that as they have reason to believe the said Attorney did withdraw the Bill for the benefit of his Clients they therefore do not think proper to inflict a fine on him

Basqual
Vrs.
John De Ross

The Defendant does not appear
To be Summond again

Solomon Salomons
Vrs.
Peupin Bernaud

An order made in this Cause the last Court day read
The Mayor being Interested. The Senior Alderman Mr. Mackay out of Town, Mr. Munro likewise Interested, & Mr. Edward Edwards the next in Standing acquaints the Court that he has not had sufficient time to peruse the Papers, and therefore desires it may be deferrd till the next Court day. Ordered that it be deferrd accordingly

Christoming Chittee
Vrs.
Costa Chittee & Augustus

The Attorney for the Complainant prays the Court that a Warrant of Execution may Issue against the Defendants, as he has reason to suspect there are Effects belonging to them in the Place
Granted returnable in one month

and Charges of this Court against him and that the Overplus
may be paid him
Order'd that the Register do draw on the Governour & Council
for the abovementioned Sum
Thaddeus Aga Peery
Versus
Ariat Jonose
Robert Turing as also Moocantoom Mowja, one of the former Bails,
become Bail for the Personal appearance of the Defendant or to
Answer all Costs & damages taken and acknowledged before Mr. John
Smith one of the Judges of this Court
Solomon Salomons
Versus
Pairpire Permaul
Ordered that this Cause come on to be heard the next Court day
John Weddrington
Versus
Thomas Looke
Publication is past'd in this Cause
Ordered that this Cause come on to be heard
Andrew Munro
Versus
Thomas Looke
Publication is past'd in this Cause
Ordered that this Cause come on to be heard
Solomon Salomons
Versus
Subramoney Chittee
Nicholas Morse
Versus
Subramoney Chittee
Nicholas Morse
Versus
Tondavah Chittee
Ordered that these Causes come on to be heard
Adjourned till the 30 September 1755

read setting forth that he has paid the Sum of Rupees 4496.72
belonging to the Estate of Stephen Holloway Bunyon deceased to
Charles Boddam Esquire Mst.r John Lewen Smith & Hannas ake
Best agreeable to the Order of this Court the 29th day of July last
and encloses their Receit for the same
Ordered that the Register do write a Letter to the Governour & Council
acquainting them with the aforegoing & desiring that that Sum
may be now paid to this Court.

Basqual
Vers.
John DeRoos
Summons returnd servd
The Defendant does not appear
To be Summond again

Ratheus detor Movcardeach
Vers.
Bobjon Matheus
Petition read
Answer with Account Current annexd read
Replication read
Rejoinder with two Papers annexd read
The Court take notice that the Charge of Bags. 10. 2. 30. said in the
Account Current annexd to the Defendants Answer to be for a Licence
to send Water on board, appears by the Account particulars to
be Charges Watering Gunny &c. reference being had to the
Armenian Original it is found to be a mistake in the Translate
and that it should be as set forth in the Account Particulars.
The Court also take notice that the Charge of Cooley hire on Timber
and Plank charged in the Account Current R55. 32. 5. which is also
remarkd by the Defendant in the Rejoinder to be a mistake in the
Translate

in Court & offers to be bound for his due Administration thereof
An order made the 19th Ultimo relating to the Sheriff read
Agreeable to which he now delivers in the particulars mentioned
in the Account Sale delivered in by him Viz.

To writing the Bill of Sale of the House & Registring &c. 1. 17. 8
Conveyg & Bricklayer 1. -
£. 1. 21. 8

He also produces a Book kept by — former Sheriff in which the
like Charges are inserted
As it appears to this Court to be an old Practice Agreed that it
be continued

Izabella Conley Executrix of Francis Conley deceased delivers into
Court the Inventory & Account Current of the Estate of the said deced
Ordered that she swear to the Truth thereof before any one of
the Judges of this Court

Christmas Chitty
Vers.
Costa Chitty & Aga said
Warrant to recover the Arrears of a Decree pronounced 8th October last
returned served
Mathews deter Moocarteach
Vers.
Bolton Mathews
Ordered that this Cause come on to be heard the next Court day
Solomon Salomons
Vers.
Paupia Pennal
Publication is past in this Cause

Adjourned till the 26 of September 1755

Mr. John Paxwater Attorney for the Creditors of the Ship Ariel and the Estate of William Beawes deceas'd delivers in a paper writing signd by the Principal Creditors approving of the demands of each other as they are set down in the List deliverd in by Mess.rs Mackay & Smith the 8th Instant

Ordered that the Register do draw on the Accomptant General for the Sum of Pagodas 2250. 33. 37. & that that Sum with what is now in the Registers hands being 19. 31. be proportionably divided amongst the Creditors agreeable to the aforegoing List as ties having deducted the charges

Ordered that Publick Advertisements be affixed at the Sea Gate giving notice to the several Creditors that a dividend will be begun to be made, of the abovementioned Sums the 1st day of October next &

Ordered that the Register do pay a dividend to such Creditors or their Orders as shall demand the same * * * * * * * * * * Report to the Court what he may have Transacted therein on or before the 12th day of October next

An order made the 8th Instant relating to the Sheriff read

The Sheriff appearing in Court acquaints the Court that he had frequently heard Complaints of his Officer the Marshall, and that he had been obliged thro' necessity to continue him in his Office so long, not being able to find a proper Person to undertake it but that however he will continue his endeavours to procure a more proper Officer

Some of the Members upon the Bench not being satisfied that the Sheriff has a Power to dismiss the Marshall but that they imagine it more properly falls under the Authority of the Court

Order'd that a full Court be Summond to meet on the 3d day of October

At a Court held at the Town Hall
on Tuesday the 23 day of September Anno Dominii 1755

Present

John Walsh Esq Mayor

Andrew Munro George Mackay, John Smith

Vers.

Thomas Looke

Day is given the Parties till the 30th Instant to produce Witnesses

John Widdrington

Vers.

Thomas Looke

Day is given the Parties till the 30 Instant to produce Witnesses

An order made the 9th Instant relating to Mr. Isaac Mesnyeot one of the Attornies of this Court read

Mr. Isaac Mesnyeot acquaints the Court that he had all his Papers in readiness to attend the Court on the 9th Instant but was suddenly taken ill that Morning so that he had not an opportunity of delivering over the Proceedings in the Cause George Mackay Versus Marcar Petrus to Mr. Papswater

A Letter from the Register of the Mayors Court at Bombay dated 21st May to the Register of this Court read setting forth that the Advertisements relating to the Creditors of the Ship Arnot &c had been affixed at the most Publick places there

Samuel Moses

Vers.

Nicholas Morse

The Defendants Answer read & filed

Day is given the Complainant till the 30th Instant to Reply

Thomas Duffield

Vers.

Thomas Ford

Warrant of Attachment returned Non Est Inventus

The Complainants Petition praying that this Cause may be reheard read
Bill with Translate of a Bond annex'd read
Answer with Dt. of 2 Letters Do
Reply read
Rejoinder read
This Cause coming on to be heard this day, in the presence of the Attornies on both sides. On Examination of the several Matters produced in this Cause, and on due Consideration had thereon, the Attorney for the Complainant acknowledging the payment of so much of the Respondentia in dispute as the Defendant pleads he has discharged, and only moving that the Court will decree to the Complainant the remainder and Interest (which distinction was not made on the first Trial of the Suit when the whole of the money stipulated by the Bond was demanded altho' it appear'd the Defendant had clear'd off a part) This Court doth therefore think fit to Order and Decree and doth accordingly Order and Decree That the Decree past the 11th day of October last do stand Annull'd & set aside, and that the Defendant do pay unto the Complainant the Sum of £1068:10:0 being the Ballance remaining due on the said Respondentia Bond together with Interest thereon after the rate of 8 ℔ Ct ℔ Annum from the 11th day of April 1752 The Exchange to be at two Six Dollars to each Star Pagoda or the Madras Pagoda to be reckon'd 10 ℔ Cent better than Star Pagoda Also that the Defendant pay half the Costs of this Suit, it appearing reasonable the Complainant should defray the other half, since he brought his Suit for above double the Sum that is really due & it is further Ordered and Decreed that the Complainant pay the Costs attending the rehearing as that Charge has arose thro' his Attorneys not having rightly set forth his true Claim on the first Hearing.

Ordered that a Warrant of Attachment do Issue against the said Thomas Todd for contempt of this Court, returnable the 23 Instant

Chintomimy Shittee

vers:

Coorta Shittee & Ags.t

The Attorney for the Complainant prays the Court that a Warrant may Issue to take the Body of Coorta Shittee for the residue of the debt & Costs

He the said Attorney having found himself in an Error, in applying to this Court the 9th Instant for a Warrant of Arrest

Ordered that a Warrant do Issue accordingly returnable the 23 Inst.

Mr. Peter Dencker Attorney for Catherina Johanna Saint Paul Executrix of Peter Saint Paul deceased delivers into Court the Account Current of that Estate

Ordered that a Commission do Issue directed to Messrs. Stanker, Norris and Roper to Examine the Oath to the said Catherina Johanna Saint Paul to the truth of the said Account Current

Bill of Quereck Jacob with a Responsentia Bond and Account Current annexed read & filed

Meer Baucher to be summoned

Bill of Andarapah Shittee, Mar.h Shittee, Ninapah Shittee and Cannavedy Pillah with their several Accounts Current annexed read & filed

John DeRoos to be Summoned

Bill of Basquat with a Promissory note annexed read & filed

John DeRoos to be Summoned

Petition of Edward Locke praying Letters of Administration to the Estate of Robert Monk Deceased read

Alexander Mynick Esq.r and Mr. Peter Dencker offer themselves as Security for the said Edward Locke in the faithfull Administration to the said Estate

Ordered that a Commission do Issue directed to Messrs. Stanker, Norris

To be summond again

Rathews defen Moncastwich

Vers

Robyon Mathews

Ordrd that this cause come on to be heard

Adjournd till the 16 September 1755

Exceptions with Translate of a Mortgage Bond annexd read
Answer thereto read
Interrogatories on the part of the Complainant read
7 Depositions of Do . . Do.
Additional Interrogatories on Do . . Do.
1 Deposition on Do . . Do.
Interrogatories on the part of the Defendant read
7 Depositions on Do . . Do.

This matter coming on to be heard & debated this day in the presence of the Complainant Chintomeny Chittee, and the Attornies on both sides. On reading the Complainant Exceptions with Translate of a Mortgage Bond annext, the Answer of Mirza Abdul Hussain thereto, likewise the several Interrogatories and Proofs taken on both sides, and after hearing the pleadings made use of by the Attornies, and on due Consideration had thereon; It appearing to this Court that the Bond granted by Aga Saib to the Said Mirza Abdul Hussain is Authentick and Valid, and not a fraudulent one as set forth by the said Chintomeny Chittee in his Exceptions This Court doth therefore think fit to order and Decree, and doth Accordingly Order and Decree, that the said Exceptions shall stand dismissd out of this Court with Costs

The Court observe that there are several reflections inserted in the Exceptions touching the Characters of some of the Witnesses, which are Ordered to be Expunged, as it appears to this Court, that they are Persons of Credit

Chintomeny Chittee
Verd
Coota Chittee and Aga Saib

The Attorney for Chintomeny Chittee prays the Court will Grant a Warrant of Arrest against Coota Chittee, One of the Defendants, the other

At a Court held at the Town Hall

on Tuesday the 9th day of September Anno Domini 1755

Present

John Walsh Esq^r Mayor

John Browning. John Smith

Danvonne Drake, Samuel Ardley

An order made the 1 July last relating to Mr Dencker's Petition read

Amended Petition of Mr Peter Dencker with six Papers annexed read

Praying that Letters of Administration may be granted him to the

Estate of Captain John Crompton deceased

Ordered that Publick Advertisements be affixed at this Place, Fort St.

David and Vizagapatam giving a further Notice to the nearest of Kin

of Captain John Crompton Deceased or the Creditors if any be, to

apply for Letters of Administration within two Months from this

day otherwise they will be excluded that benefit

Ordered that the abovesaid Petition as also the Papers annexed

be considered after the expiration of the said two Months. And

The Court at the same time take notice that as the Effects which

appeared to be of a Perishable Nature are already disposed of, the Estate

can no ways suffer, by a further space of two months being

granted for the nearest of Kin, or the Creditors, to apply for Letters

of Administration

Mess^rs Smith and Drake go off the Bench

Samuel Moses

Versus

John Smith & Salomon Franco

The Defendants Answer with an Account current annexed read

and filed

Day is given the Complainant till the 16th Instant to Reply

Mess^rs Smith and Drake return to their Seats

Inventory of the said Estate

Mr. Drake goes off the Bench

An order made the 12th Ultimo that John Passwater, Attorney for the Creditors of the Ship Orest. and the Estate of William Beawes Deceased; should deliver to the Register an Account of the demands of the several Creditors with the several Vouchers relating thereto and that the Register should examine the same and deliver his report to this Court. read.

The Indisposition of the Register having prevented his taking and delivering into the Court the aforesaid Accounts and the time limitted for making the dividend of the Money remaining in the hands of this Court having expired the 2d Ultimo The Court taking the same into Consideration do Resolve that Reffrees George Mackay and John Smith two of the Judges of this Court shall receive from Mr. John Passwater the Attorney for the Creditors the Account of the several demands delivered to him before the 4th Ultimo and examine into the several Vouchers which were delivered to the Attorney in support of those Claims and when the state of the Account is properly made out. that they shall cause the same to be shewn to the several Creditors on the spot, and that they acquaint this Court if any of these Creditors have any objection to the demands or Vouchers of other Creditors and that they deliver in their report on or before the 16 Instant

Tydanaidy and Sambaina Navrain

Vers.

Gulam Mahomed

Rejoinder read and filed

Issue joint

George Mackay

Vers.

Marcar Petrus

256

At a Court held at the Town Hall

on Tuesday the 2 day of September Anno Domini 1755

Present

John Wallis, Esq Mayor
George Mackay, Andrew Ross
John Browning, John Smith
Dawsonne Drake, Samuel Bradley

A Letter from Mr Richard Fairfield at Fort Du Quesne to the Register read, setting forth that he encloses the Account Sales of the Effects of Robert Worth deceased & that Mr Henry VanSittart his Attorney here will pay the amount thereof being Pagodas 106. ⅔ to this Court Mr Peter Dencker one of the Attornies of this Court, acquaints the Court that Mr Henry VanSittart is ready to pay in the said Sum

Ordered that the Register do receive the same, and give a receit for it, and also that the same be deposited in the Company's Cash, in the name of the Accomptant General of this Court

Ordered that a Commission do Issue directed to Messrs Richard Starke Robert Cloper and Hugh Norris to take the Oath of the said Mr Richard Fairfield to the truth of the aforesaid Account Sales

Mr Peter Dencker one of the Attornies of this Court delivers in an Inventory, Account Sales and Account Current from Doctor James Wilson at Tellicherry, one of the Executors of the last Will and Testament of Captain James Lope deceased containing such of the Transactions of the said Estate as have passed thro' the hands of him the said Executor

Ordered that a Commission do Issue directed to Captains John Gaillard Joseph Smith and Alexander Callendar to take the Oaths of the said Doctor James Wilson to the truth of the aforesaid Inventory

Account

Interrogatories on the part of the Defendant read
3 Depositions on do do
13 Papers on do do

This Cause coming on to be heard and debated this day in presence of the Parties and their Attorneys on both sides. On reading the Complainants Bill and two Accounts annexed. The Defendants Answer and one Account annexed. the Replication and Rejoinder likewise the Interrogatories, and the Proofs produced on both sides, on hearing the several Readings made use of by the Attorneys. And on due Consideration had thereon. It appearing by some of the Depositions of the Complainants own Witnesses Particularly those of Nannan Chitty and Sasha Pooly that near the whole amount of the Complainants demand upon the Defendant is a debt owing by the Defendant to the said Deponents for Goods sold by them to the Defendant for which these Deponents might have brought their Actions in this Court and still may have that relief. And it being contrary to the standing Rules and Orders of this Court to bring Bills of Complaint in the names of Persons who are not immediately Interested therein as the Truth is hereby sometimes conceald & the Proceedings often rendered more intricate and unintelligible, which last appears to be too much the Case in the present Suit and there being likewise a Presumption that the truth has therein been disguised, It is the Opinion of this Court that this Complainant ought not to have brought this Action against the Defendant for the debts which those Deponents themselves do acknowledge to be owing to them by the Defendant as aforesaid. This Court doth therefore think fit to Order and Decree, and doth accordingly

Order

unless they give sufficient reason to the Court for their absence

Adjourn'd till the 29th August 1755

Decree, that the Order passd in this Cause the 22d Instant shall stand confirmd, with this Addition. That the Defendant shall endorse and deliver over the Sadjan Bond granted to him by Annachilum, for the Payment of Pcals 225 and that the Translation of the said Bond, be enterd on the Records of this Court. also that the Defendant do pay the costs of this Suit.

An order made the 19th Instant relating to the Sheriff read Agreeable to which the Sheriff appears in Court, and lays before the Court an Account how the expenses arose, in his Acco and Sales Which is orderd to lye on the Table for the further Consideration of the Court.

The Register acquaints the Court that he had receivd the following Sums on account of fines inflicted by this Court

The Sum of Pagodas 3 From Thomas Bernard Coroll Serjeant
5 . . Patrick Browne the Marshall
3 . . . Mr Peter Denicker one of the Attys of this Ct
3 . . . Mr John Pasewaker do do

P. Ct Orderd that the same be paid into the Company's Cash

Mr Samuel Ardley Administrator to the Estate of Mr John Douglas deceasd, delivers in on Oath, an Inventory and Account Sales of the Deceasds Effects

Charles Bourchier
Vers
Camboy Narrain

It appearing to this Court that the Defendant had been sowrd with the usual Proces, to Answer the Complainants Bill, but wilfully and obstinately refusing so to do. This Court doth therefore think fit to Order and Decree, and doth Accordingly Order and Decree, that the Defendant shall pay unto the Complainant

of Ground, do order that Mr. Peter Dencker do carry on the Suit of the said Samuel Morse, as well as that of the said Edward Bowman and Thomas Savage, and that Mr. Isaac Mongeot shall be at Liberty to Act for the said Nicholas Morse

Thomas Duffield
Vers.
Thomas Ford
Summons returnd served
The Defendant does not appear
To be summond again

Rasene Baker
Vers.
Izabella Forbes
The Court observe, upon perusal of the Interlocutory Order which was made in this Cause the 19th Instant that the Words and Decreed are by mistake inserted, which being Wrought expunged improper. Order'd therefore that they do now stand Expunged
The Complainants Attorney desires to know of the Court whether the Minute made in this Cause on the 19th Instant is intended as a Ground for a Peremptory Decree, or only an Interlocutory one, and assigns for a reason for his asking the Question, that if it is peremptory, He is Ordered to Appeal from it
He is answer'd by the Court, that they intended at the time of making it, and now deem it Interlocutory, as the same is not a final Judgment, Sentence, or Decree of this Court, but only an Order for the Complainant to conform to the Forms and Practice of this Court, in order to have a right to her Action
Mr. Munro goes off the Bench

Court day when the Court will take the same into Consideration
as also the determenation of Costs

Mathews deter Morcantuch
Vers.
Robjon Mathews
Replication read & filed
Day is given the Defendant till the 26th Instant to Rejoin
Bill of Thomas Duffield with an Account Current annext read
and filed
Thomas Ford to be Summond

Adjourn'd till the 26 of August 1755